

JOURNAL
OF THE
SENATE
SESSION OF 1994

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STATE OF NEW HAMPSHIRE



CONVENING DAY

January 5, 1994

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

According to a column in one of the morning papers, you all have come back to the capitol for the purpose of "endangering life, diminishing liberty and devaluating property". Gee it's good to see you all again! This ought to be an exciting session, so we had better pray.

Spare them this time around, O Lord, from any decision that is driven by the next election rather than by the next generation; Spare them from an ideology that snuffs our compassion, from any sentimentality that clouds deep wisdom, and from any sense of self importance that causes them to lose their sense of humor.
Amen.

Senator MacDonald led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SENATOR BLAISDELL: When Senator Hough was appointed and elected Senate President, he asked me if I had any advice for him. I told him that the best advice that I could give him would be that, number one, his family should come first and that the legislature would come second. Senator Hough had an opportunity to take his family away for a few days. He called me the other day and asked me I thought that it was proper. I touched all of the bases, I have talked with the Governor, I have talked with the Speaker to tell them where Senator Hough is this morning and that he meant no offense. But I thought that it would be nice if we told you where he is and that he will be back in a couple of days. He said that he would leave the Senate in good hands and that is all of us.

RESOLUTION

Senator Russman moved that the rules of the 1992-1993 Session as amended be adopted as the rules of the 1994 session.

Adopted.

RULES OF THE SENATE

1. Determination of quorum; correction of Journal.
2. Members, decorum of.
3. Members, conduct when speaking.
4. Members not to speak more than twice.
5. President shall recognize whom.
6. Questions of order, appeal.
7. Member, absenting himself.
8. Motions, order of preference.
9. Questions postponed indefinitely not acted upon in same biennium.
10. Questions, when divided.
11. Objections to reading paper, how determined.
12. Roll-call, everyone must vote.
13. Galleries, clearing of.
14. Reconsideration, motion for.
15. Petitions, introduction of.
16. Bills; shall be numbered and expressed clearly.
17. Bills, introduction of.
- 17-a Bills, deadlines for drafting.
- 17-b Bills, deadlines for information.
- 17-c Final deadline.
18. Resolutions to be treated as bills.
19. Bills shall have three readings; progress of; time for second and third readings.
20. Bills, printing and distribution.
21. Bills amended only on second reading; filing of amendments.
22. Public hearings to be held and advertised.
23. Amended bills; printed, distributed and disposed of.
24. Appropriating money, to whom referred.
25. President to sign bills, etc.
26. Committees, appointment of.
27. Standing Committees.
28. Messages sent to House.
29. Messages, when received.
30. Voting; division of Senate.
31. Visitors to Senate.
32. Hours of meeting.
33. Rules of Senate, how suspended.
34. Rules of Senate, how rescinded.
35. Committee of the whole.
36. President may name member to chair.
37. Senate staff; composition and duties.
38. Senate staff; days of employment.
39. Committees, reports and meetings
40. Appeal, presiding officer ruling.
41. Motions, no substitution under color of amendment.
42. Conflict of interest.
43. Committee of Conference reports
44. Personal privilege.
45. Requisition approval required.
46. Fiscal notes, requirements.

SENATE RULES

1. The President, having taken the chair, shall determine a quorum to be present. Any erroneous entry in the daily journal shall be corrected no later than the third succeeding legislative day, and the permanent journal

corrected one week after the permanent journal copy is placed in the hands of the Senate.

2. No member shall hold conversation with another while a member is speaking in debate.

3. Every member, wishing to speak, shall address the President and when he has finished shall, if having risen to speak, then sit down.

4. No member shall speak more than twice on the same question on the same day without leave of the Senate.

5. More than one member rising to speak at the same time, the President shall decide who shall speak first.

6. If any member transgresses the rules of the Senate, the President shall, or any member may, call him to order; in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.

7. No member shall absent himself without permission from the Senate.

8. When any question is under debate, no motion shall be received but first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; and seventh, to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or resolution, until after adjournment.

9. A question which is postponed indefinitely shall not be acted upon during the biennium except whenever two-thirds of the whole number of elected Senators shall on division taken, vote in favor thereof. Any bill which is indefinitely postponed shall not be reintroduced under cover of an amendment to the general appropriations (budget) bill. No motion to suspend this rule shall be permitted.

10. Any member may call for a division of the question when the sense will admit it. Unless otherwise specifically provided for, a majority of those present and voting shall be required to pass any vote.

11. When the reading of a paper or document is objected to by a member, the question shall be determined by a vote of the Senate; and without debate.

12. When the nays and yeas have been moved by a member and duly seconded by another member, each member present shall declare his assent or dissent to the question, unless for special reason he be excused by the Senate. The names of the persons so making the motion and the second shall be recorded in the Journal. A member who is to be absent when the yeas and nays are required may pair his vote with another member, to be present or also to be absent, who intends to vote on the opposite side of the question. Pairs shall be permitted only if the yeas and nays are taken on such question. Both members shall file such pair in writing with the Clerk before the question is put. In all cases of pairing, the vote of neither member shall be counted in determining the result of the roll call; but the Clerk shall announce all pairs and enter them in the Journal. The President shall determine the order of the roll call. No member shall be required to vote in any case where he was not present when the question was put.

13. In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

14. No vote shall be reconsidered, unless the motion for reconsideration be made by a member who voted with the prevailing side, nor unless the notice of such motion be given to the Senate in open session prior to adjournment on the same day on which the vote as passed, or on the next day on which the Senate shall be in session within one half hour after the convening of the early session, and any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void.

14 (a) Reconsideration of any bills subject to a transfer date established by joint rules must be acted on or before the joint rule deadline, and thereafter shall be null and void.

15. Before any petition shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

16. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate, shall be endorsed with the name of the Senator presenting them, and with the subject matter of the same. Every bill shall be marked on the first page "Senate Bill" and numbered serially; every joint resolution shall be marked "Senate Joint Resolution" and numbered serially; every concurrent resolution proposing a constitutional amendment shall be marked "Concurrent Resolution Proposing a Constitutional Amendment" and numbered serially; and every other concurrent resolution shall be marked "Senate Concurrent Resolution" and numbered serially, as each bill or resolution is introduced into the Senate.

17. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced into the Senate shall be delivered or caused to be delivered to the Office of Legislative Services, which in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until signed by the sponsor. During any adjournment the President may receive bills and resolutions for printing and for reference to committee, provided that no bill shall have a public hearing until it is formally introduced into the Senate, printed and available for distribution. The President shall take up all bills and resolutions for introduction at the early session.

17-A (a) No request by a member of the Senate for drafting a bill or a joint resolution, other than the general appropriations (budget) bill or the capital budget bill, shall be accepted by Legislative Services for processing unless the subject matter and complete information necessary for drafting of the legislation has been filed with Legislative Services no earlier than Monday, September 13, 1994.

(b) The Office of Legislative Services shall not draft a Senate bill or joint resolution, other than the general appropriations (budget) bill or the capital budget bill, unless a request by a member for drafting with complete information has been received not later than 5:00 pm, Wednesday, November 17, 1994.

(c) Every Senate bill and joint resolution, other than the general appropriations (budget) bill or the capital budget bill, must be signed off in Legislative Services by 5:00 p.m., on Wednesday, December 15, 1993.

(d) Notwithstanding the provisions of 17 (a), (b), and (c), a Senate bill, Senate joint resolution, or Senate concurrent resolution may be accepted

by Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Joint Rules for the transfer of bills out of the first body if approved by either a majority of the Senate Rules Committee or a two-thirds vote on the floor.

18. All resolutions which may require the signature of the Governor shall be treated in the same manner as bills.

19. Every bill shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, after which the bill shall be referred by the President to the appropriate committee and shall be printed as provided in Rule 20, unless otherwise ordered by the Senate. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the Senate. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

20. After every bill shall have been read a second time, and referred by the President to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, and when printed the bill shall be immediately delivered to the committee to which it shall have been referred. Bills received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

21. No amendment shall be made but upon the second reading of a bill; and all amendments to bills and resolutions shall be in writing, with the name of the Senator and the district he represents thereon. No amendment to any bill shall be proposed or allowed at any time or by any source, including a committee of conference, except it be germane. Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

22. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least five days before hearing in the Senate Calendar.

(a) All bills in the possession of committees shall be reported out with one of the following recommendations: ought to pass, ought to pass with amendment, re-refer to committee, inexpedient to legislate, or refer for interim study. Re-refer to committee shall be a committee report only in the first-year session; refer for interim study shall be a committee report only in the second year.

(b) If a bill is reported re-refer to committee, it shall read re-refer to committee for action in the second-year session. Bills which have been re-referred to the Committee on Finance shall be referred by Finance to the original committee to which it was assigned when the senate adjourned from the first session. All re-referred bills shall be reported by the committee on or before the fifth legislative day of the second-year session.

23. When a bill is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill in full as amended. The amendment shall be printed in the calendar of the Journal on the date that the report is listed for action. If no action is taken on that day, then the amendment shall be printed on the day to which the bill has been referred. All bills reported shall be laid upon the

table and shall not be finally acted upon until the following legislative day, and a list of such bills with the report thereon shall be published in the Journal for the day on which action shall be taken.

24. Every bill and joint resolution appropriating money, which has been referred to another committee and favorably accepted by the Senate, shall be committed to the Division on Finance for review. If any such bills have been referred jointly to the Division on Finance and another standing committee, the Division on Finance may report separately and a further public hearing may be held at the discretion of the Division on Finance. All bills appropriating money, which are referred directly to the Division on Finance shall have a hearing. Any bill which has been referred to another committee and favorably accepted by the Senate, which has an economic impact on the state may be referred to the Committee on Economic Development for review. The Committee on Economic Development may hold a further public hearing at the discretion of the Committee.

25. All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

26. All committees of the Senate, including Senate members on committees of conference, shall consist of members of both parties as nearly equal as possible, provided that on all committees, both parties shall be represented. The President shall appoint the members of all committees, after consulting with the minority leader.

27. The committees of the Senate shall be divided by five divisions. The Finance Division shall include the Finance Executive Committee, the Committee on Capital Budget, the Committee on Ways and Means, the Committee on Appropriations. the Economic Resource Division shall include the Committee on Economic Development, the Committee on Banks, the Committee on Insurance, the Committee on Transportation. the Environmental Resources Division shall include the Committee on Environment, the Committee on Wildlife and Recreation. the Government Operations Division shall include the Committee on Executive Departments and Administration, the Committee on Interstate Cooperation, the Committee on Judiciary, the Committee on Public Affairs, Senate Administration (including the Committees on Rules and Resolutions, Journal, and Enrolled Bills). the Human Resources Division shall include the Committee on Public Institutions, Health and Human Services, and the Committee on Education.

28. Messages shall be sent to the House of Representatives by the Clerk of the Senate.

29. Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

30. All questions shall be put by the President, and each member of the Senate shall signify his assent or dissent by answering yea or nay. If the President doubts, or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

31. No person except members of the executive, or members of the House of Representatives and its officers, shall be admitted to the floor of the Senate, except by the invitation of the President, or some member with his consent.

32. The Senate shall adjourn to meet on the subsequent legislative day for the early session at the time mentioned in the adjournment motion. The late session shall immediately follow the early session unless the Senate shall otherwise order.

33. No standing rule of the Senate shall be suspended unless two-thirds of the members present vote in favor thereof. This rule shall not apply to Senate Rule 9.

34. No rule shall be rescinded unless two days notice of the motion has been given and two-thirds of those present vote therefor.

35. The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole, the President shall leave the chair, and appoint a chairman to preside in committee.

36. The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

37. The staff of the Senate shall be comprised of a clerk, an assistant clerk, a sergeant-at-arms, and a door-keeper who are to be elected by the Senate, and such other personnel as the President shall appoint. The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

38. Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

39. The committees shall promptly consider and report on all matters referred to them. The President may authorize such committees having a heavy load of investigation, redrafting, research or amendments to meet as needed on non-legislative days during the legislative session. The Clerk of the Senate shall prepare a list by number, title and sponsor of all Senate bills and resolutions in committee which have not been acted upon within one week before the deadline established for the transfer of bills and resolutions from the Senate to the House of Representatives, and he shall distribute this list to every member of the Senate as soon as it is prepared.

40. Any appeal from the ruling of the presiding officer shall be decided by majority vote of the members present and voting.

41. No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

42. In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.

43. Action on the floor of a report of the Finance Executive Committee or a Committee of Conference on either the general appropriations (budget) bill or the capital budget bill, shall not be taken by the Senate, until said report has been available from the Senate Clerk twenty-four hours in advance, in written form. Nongermane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

44. **PERSONAL PRIVILEGE:** A Senator may, as a matter of personal privilege, defend his position on a bill, his integrity, his record, or his conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be

subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate. A Senator may speak on other matters of his choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate.

45. No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

46. If a drafting request for a bill or resolution has been filed with the office of Legislative Services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the legislative budget assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

Adopted.

INTRODUCTION OF SENATE BILLS

Senator Delahunty offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 500-789 and SCR 10, CACR 36, 37, 38 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

SB 500-FN-A 4077B 94-2640
exempting certain credit unions from the business enterprise tax. (Fraser, Dist 4: Ways and Means)

SB 501-FN-A 4076B 94-2637
relative to the business transition credit with respect to the business enterprise tax. (McLane, Dist 15; Blaisdell, Dist 10; Delahunty, Dist 22; Russman, Dist 19; R. Kelley, Hills 18; D. Sytek, Rock 26; Mercer, Hills 27: Ways and Means)

SB 502-FN 4264B 94-2636
requiring that a part-time state employee be paid for sick leave accumulated after the equivalent of 6 months of employment. (McLane, Dist 15: Executive Departments and Administration)

SB 503-FN 4287B 94-2632
relative to the practice of electrology and the collection of certain fees. (Hollingworth, Dist 23; Colantuono, Dist 14; Dunn, Merr 24; K. Ward, Graf 1: Executive Departments and Administration)

SB 504-FN-A 4029B 94-2205
relative to funding for state literacy programs and making an appropriation therefor. (Disnard, Dist 8; Skinner, Rock 27: Education)

SB 505 4126B 94-2197
establishing a study committee to review the statutory provisions relative to compulsory school attendance and the assignment of pupils. (Lovejoy, Dist 6; J. King, Dist 18; R. McKinley, Straf 2: Education)

SB 506 3756B 94-2093
allowing matters of state or national concern to be placed on the official ballot used for the election of town officers. (W. King, Dist 2; Metzger, Ches 13; Laflam, Belk 2: Executive Departments and Administration)

- SB 507-FN-LOCAL** 3597B 94-2120
increasing fees for bail commissioners. (Wheeler, Dist 11; Hunter, Hills 7: Judiciary)
- SB 508-LOCAL** 4451B 94-2231
enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities. (Fraser, Dist 4; W. King, Dist 2; Shaheen, Dist 21; Cohen, Dist 24; Russman, Dist 19; B. Packard, Hills 19: Economic Development)
- SB 509** 4345B 94-2233
increasing the penalties for DWI convictions. (Podles, Dist 16; G.Katsakiores, Rock 13: Judiciary)
- SB 510** 4036B 94-2247
eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops. (Cohen, Dist 24: Public Institutions, Health and Human Services)
- SB 511** 4475B 94-2288
permitting the executive director of the department of fish and game to impose administrative fines. (Lamirande, Dist 1: Wildlife and Recreation)
- SB 512-FN** 3553B 94-2348
authorizing a New Hampshire Pearl Harbor survivor special number plate. (Baldizar, Dist 12; Barnes, Dist 17; R. Kelley, Hills 18: Transportation)
- SB 513** 4225B 94-2349
requiring the sweepstakes commission to use instant lottery tickets made from recycled materials. (Russman, Dist 19; Barnes, Dist 17; Pignatelli, Dist 13; Shaheen, Dist 21; J. Bradley, Carr 8; A. Merrill, Straf 8; Burnham, Ches 8; Conroy, Rock 13: Environment)
- SB 514** 4365B 94-2353
prohibiting health care providers from making referrals to any entity in which they have an ownership interest or for which remuneration or compensation may be received. (Hollingworth, Dist 23; Shaheen, Dist 21; Cohen, Dist 24; O'Keefe, Rock 21; Copenhaver, Graf 10; K. Wheeler, Straf 8; Lozeau, Hills 30: Public Institutions, Health and Human Services)
- SB 515** 3592B 94-2356
making separation of alternate jurors from other jurors during jury deliberations discretionary. (Pignatelli, Dist 13; Lozeau, Hills 30: Judiciary)
- SB 516** 4177B 94-2513
making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case. (Hollingworth, Dist 23; Russman, Dist 19; Baldizar, Dist 12; Colantuono, Dist 14; Podles, Dist 16; MacDonald, Dist 3; Barnes, Dist 17; Hilliard, Straf 14; Burling, Sull 1: Judiciary)
- SB 517** 4178B 94-2514
making it a crime to obstruct the reporting of a crime or a bodily injury. (Hollingworth, Dist 23; Podles, Dist 16; MacDonald, Dist 3; Lockwood, Merr 9; Burling, Sull 1: Judiciary)
- SB 518** 4052B 94-2515
requiring health care providers to clearly state the benefits and services provided to enrollees and subscribers. (Blaisdell, Dist 10; McLane, Dist 15; J. King, Dist 18; Amidon, Hills 9; K. Foster, Ches 19: Insurance)

- SB 519** 4315B 94-2516
 requiring all health maintenance organizations offering insurance to clearly state any restrictions on an insured's choice of physician. (Blaisdell, Dist 10; McLane, Dist 15; Amidon, Hills 9; K. Foster, Ches 19: Insurance)
- SB 520-LOCAL** 3985B 94-2575
 relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord. (McLane, Dist 15; Dunn, Merr 24: Executive Departments and Administration)
- SB 521** 4173B 94-2605
 making it a violation to leave the scene of a skiing collision or accident without providing certain information. (McLane, Dist 15; W. King, Dist 2; Hollingworth, Dist 23: Judiciary)
- SB 522-FN** 4129B 94-2626
 requiring elected police officers to meet certain criminal history and background requirements. (MacDonald, Dist 3: Executive Departments and Administration)
- SB 523** 4434B 94-2633
 relative to the confidentiality of proceedings of hospital and medical review committees. (Hollingworth, Dist 23; J. King, Dist 18; Amidon, Hills 9; K. Wheeler, Straf 8: Public Institutions, Health and Human Services)
- SB 524** 4075B 94-2634
 relative to the rulemaking authority of the pesticide control board and the labeling of pesticides. (Delahunty, Dist 22: Environment)
- SB 525** 4247B 94-2694
 relative to medicare supplemental insurance. (Fraser, Dist 4: Insurance)
- SB 526** 3979B 94-2696
 relative to risk retention groups not chartered in New Hampshire. (Fraser, Dist 4: Insurance)
- SB 527** 4135B 94-2738
 relative to terms of legislative members of the state board of claims. (Fraser, Dist 4: Executive Departments and Administration)
- SB 528** 4150B 94-2744
 relative to central business service districts. (Fraser, Dist 4: Executive Departments and Administration)
- SB 529** 4306B 94-2748
 limiting liability of trappers for certain accidents involving domestic animals. (Lovejoy, Dist 6; Wheeler, Dist 11: Wildlife and Recreation)
- SB 530-LOCAL** 4147B 94-2816
 relative to town liability for riot damage. (Hollingworth, Dist 23; Bourque, Dist 20; Cohen, Dist 24; Lockwood, Merr 9; L. Foster, Hills 10: Public Affairs)
- SB 531** 4341B 94-2867
 relative to lead testing for potential child tenants. (Lovejoy, Dist 6; Roberge, Dist 9; Wheeler, Dist 11: Public Institutions, Health and Human Services)
- SB 532** 3436B 94-2094
 relative to jewelers' liens. (Barnes, Dist 17: Banks)
- SB 533** 4312B 94-2641
 prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board. (Hollingworth, Dist 23; Cohen, Dist 24; J. King, Dist 18; K. Malcom, Rock 22; O'Keefe, Rock 21; Keans, Straf 16; Hurst, Rock 22: Environment)

- SB 534** 4132B 94-2645
granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. (Pignatelli, Dist 13; Colantuono, Dist 14; Gargiulo, Rock 25: Judiciary)
- SB 535-FN** 4165B 94-2649
relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans. (Podles, Dist 16; Gagnon, Hills 48; Skinner, Rock 27: Education)
- SB 536** 4245B 94-2653
relative to appropriations for the expansion of the port of Portsmouth. (Shaheen, Dist 21; Cohen, Dist 24; LaMott, Graf 5: Economic Development)
- SB 537** 4078B 94-2654
relative to bonds issued by certain chartered towns. (Shaheen, Dist 21; A. Merrill, Straf 8; K. Wheeler, Straf 8: Public Affairs)
- SB 538** 4325B 94-2657
establishing a state freshwater fish. (Baldizar, Dist 12; Disnard, Dist 8; L'Heureux, Hills 18: Wildlife and Recreation)
- SB 539** 4381B 94-2660
relative to "willing providers" and health insurance plans. (Disnard, Dist 8: Insurance)
- SB 540** 4431B 94-2661
limiting rights of reversion relative to real property. (Russman, Dist 19: Economic Development)
- SB 541-FN-LOCAL** 4187B 94-2666
allowing the commissioner of health and human services to settle small claims against the department. (Fraser, Dist 4: Public Institutions, Health and Human Services)
- SB 542** 4397B 94-2667
increasing the penalty for certain automobile offenses. (Pignatelli, Dist 13; Colantuono, Dist 14; Currier, Dist 7: Transportation)
- SB 543-FN-A-LOCAL** 4131B 94-2671
requiring that the department of revenue administration conduct an annual ratio study relative to real estate assessments and sales and making an appropriation therefor. (Podles, Dist 16; Barnes, Dist 17; J. King, Dist 18; Dowling, Rock 13; Daneault, Merr 12; Golden, Belk 5: Executive Departments and Administration)
- SB 544-FN-LOCAL** 4229B 94-2691
relative to the requirements for sprinkler systems. (MacDonald, Dist 3; Barnes, Dist 17: Executive Departments and Administration)
- SB 545-FN** 4193B 94-2701
relative to the salary of the executive director of the pharmacy board. (Colantuono, Dist 14; Delahunty, Dist 22; Boucher, Rock 29: Public Institutions, Health and Human Services)
- SB 546-FN** 4428B 94-2710
relative to attorneys' fees on lump sum payments under workers' compensation. (Fraser, Dist 4: Insurance)
- SB 547-FN-A** 4201B 94-2712
authorizing the state to acquire recreational property on Lake Winnepesaukee and making an appropriation therefor. (Fraser, Dist 4; MacDonald, Dist 3; W. King, Dist 2; Beach, Carr 7; Ziegra, Belk 5; Cogswell, Carr 5: Wildlife and Recreation)

- SB 548-FN** 4138B 94-2713
relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants. (Hollingworth, Dist 23; J. King, Dist 18; MacDonald, Dist 3; Blaisdell, Dist 10; Disnard, Dist 8; D. Sytek, Rock 26; Lown, Hills 14: Judiciary)
- SB 549** 3912B 94-2674
relative to loans made by a bank to its officers, directors, trustees, or principal shareholders. (Fraser, Dist 4; Lamirande, Dist 1: Banks)
- SB 550-FN** 4049B 94-2693
relative to fee for filing documents with the insurance department. (Fraser, Dist 4: Insurance)
- SB 551** 4342B 94-2686
requiring a lending institution to notify the mortgagor or obligor prior to selling a mortgage or note on a consumer loan. (Lamirande, Dist 1: Banks)
- SB 552** 4357B 94-2690
providing for ownership rights in dies and molds under certain conditions. (MacDonald, Dist 3; J. Bradley, Carr 8: Executive Departments and Administration)
- SB 553** 4333B 94-2692
repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake. (MacDonald, Dist 3; Beach, Carr 7; J. Bradley, Carr 8: Public Affairs)
- SB 554** 4353B 94-2695
relative to insurance information and privacy protection. (Fraser, Dist 4: Insurance)
- SB 555** 4133B 94-2697
relative to health insurance which covers family members and making technical corrections to the insurance laws. (Fraser, Dist 4: Insurance)
- SB 556-LOCAL** 4329B 94-2704
permitting property tax abatements for persons who reside in a municipality which has no public high school. (Colantuono, Dist 14; Bove, Rock 29; Fenton, Hills 24; Calawa, Hills 17; L. Jean, Hills 17: Ways and Means)
- SB 557** 4388B 94-2707
providing that out-of-state same-gender marriages shall not be recognized as valid in New Hampshire. (Wheeler, Dist 11; Cogswell, Carr 5: Judiciary)
- SB 558** 4430B 94-2711
relative to imposing late payment fees on retail credit customers. (Fraser, Dist 4: Public Affairs)
- SB 559** 4192B 94-2718
relative to international adoptions. (Podles, Dist 16: Public Institutions, Health and Human Services)
- SB 560** 4239B 94-2719
requiring participating districts in AREA school systems to negotiate withdrawal plans. (Disnard, Dist 8; Carter, Merr 7; Teague, Merr 20; Yeaton, Merr 10: Education)
- SB 561** 4447B 94-2725
preventing certain retirement accounts from being pledged or accepted as pledges to secure obligations or indebtedness in financial institutions. (Hollingworth, Dist 23; Fraser, Dist 4; Disnard, Dist 8; M. Fuller Clark, Rock 31; Lindblade, Sull 7; Loder, Straf 8; Syracuse, Rock 33; B. Packard, Hills 19: Insurance)

- SB 562** 4249B 94-2727
relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. (Lovejoy, Dist 6; D. Wheeler, Dist 11; Russman, Dist 19: Judiciary)
- SB 563** 4395B 94-2732
exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals. (Currier, Dist 7; S. Packard, Rock 29: Transportation)
- SB 564** 4136B 94-2733
relative to authentication of municipal and county bonds. (Fraser, Dist 4: Banks)
- SB 565-FN** 4190B 94-2735
relative to state contracts. (Fraser, Dist 4; Shaheen, Dist 21: Executive Departments and Administration)
- SB 566-LOCAL** 4324B 94-2745
relative to membership on city planning boards. (Fraser, Dist 4; Shaheen, Dist 21: Public Affairs)
- SB 567** 4359B 94-2746
permitting the use of snares which shall be subject to the same fees as other traps. (Lovejoy, Dist 6; Wheeler, Dist 11: Wildlife and Recreation)
- SB 568** 4250B 94-2747
relative to victims' rights. (Lovejoy, Dist 6; Roberge, Dist 9; Barnes, Dist 17; Wheeler, Dist 11: Judiciary)
- SB 569** 4348B 94-2749
permitting a licensed trapper to check traps anytime and to carry a fire-arm, and repealing a certain affirmative defense relative to the taking of raccoons. (Lovejoy, Dist 6; Wheeler, Dist 11: Wildlife and Recreation)
- SB 570** 4303B 94-2750
restricting credit card finance charges. (Lovejoy, Dist 6; Colantuono, Dist 14; Wheeler, Dist 11; Barnes, Dist 17; Cogswell, Carr 5: Banks)
- SB 571-LOCAL** 4277B 94-2751
relative to the definition of "good cause" for the purpose of property tax abatements. (Lovejoy, Dist 6; Roberge, Dist 9; Barnes, Dist 17; Wheeler, Dist 11: Ways and Means)
- SB 572-FN** 4207B 94-2755
relative to maximum benefit limitations under the New Hampshire retirement system. (Shaheen, Dist 21; K. Ward, Graf 1: Insurance)
- SB 573** 4167B 94-2893
relative to the relocation, for purposes of storage, of a building or structure taxed as real estate. (Barnes, Dist 17: Executive Departments and Administration)
- SB 574** 4260B 94-2899
relative to credit for reinsurance. (Fraser, Dist 4: Insurance)
- SB 575-FN** 4033B 94-2232
modifying the dental practice act. (W. King, Dist 2: Executive Departments and Administration)
- SB 576** 4144B 94-2655
relative to disease control. (Shaheen, Dist 21; Fraser, Dist 4; Hollingworth, Dist 23; S. Nordgren, Graf. 10; M. Copenhaver, Graf. 10; R. Foster, Carr. 10; Ziegra, Belk 5; C. Kane, Rock 34: Public Institutions, Health and Human Services)

- SB 577-FN-LOCAL** 4233B 94-2722
relative to licenses to carry loaded pistols and revolvers. (Wheeler, Dist 11; Lovejoy, Dist 6; Cogswell, Carr 5: Judiciary)
- SB 578-LOCAL** 4464B 94-2758
relative to the collection of property taxes in certain municipalities. (Shaheen, Dist 21; Cohen, Dist 24; Gilmore, Straf 11: Ways and Means)
- SB 579-FN** 4206B 94-2759
relative to group II death benefits under the New Hampshire retirement system. (Shaheen, Dist 21; Blaisdell, Dist 10; J. King, Dist 18; McGovern, Rock 35: Insurance)
- SB 580-FN** 4189B 94-2766
exempting special activities programs from state child day care licensing requirements. (McLane, Dist 15: Public Institutions, Health and Human Services)
- SB 581** 4458B 94-2768
to regulate the bundling of campaign contributions made to candidates. (Hollingworth, Dist 23; Cohen, Dist 24; N. Flanagan, Rock 14; M. Fuller Clark, Rock 31: Executive Departments and Administration)
- SB 582** 4366B 94-2769
requiring every person representing another person before a local land use board to disclose who is being represented. (W. King, Dist 2: Executive Departments and Administration)
- SB 583** 4227B 94-2770
establishing a committee to study the feasibility of issuing special license plates to nonprofit organizations and using the proceeds from the fees to benefit nonprofit organizations. (W. King, Dist 2: Transportation)
- SB 584** 4379B 94-2783
relative to the use of certain motorized craft on Hermit Lake in Sanbornton. (W. King, Dist 2: Wildlife and Recreation)
- SB 585** 4228B 94-2785
increasing penalties for certain acts of cruelty to animals. (Roberge, Dist 9; Cohen, Dist 24; B. Coes, Rock. 19; D. Kelley, Hills 15; Hashem, Straf 6; Dickinson, Carr 2; K. Wheeler, Straf 8; Loder, Straf 8; K. Pratt, Rock 22: Wildlife and Recreation)
- SB 586** 4226B 94-2786
relative to licensing of cats. (Roberge, Dist 9; Cohen, Dist 24; B. Coes, Rock. 19; Hashem, Straf 6; K. Pratt, Rock 22; K. Wheeler, Straf 8; Loder, Straf 8: Wildlife and Recreation)
- SB 587** 4311B 94-2792
revising the penalty provision for carrying a weapon without a license. (Colantuono, Dist 14: Judiciary)
- SB 588-FN** 4414B 94-2793
relative to the issuance and renewal of drivers' licenses and the suspension of motor vehicle registrations and the privilege to drive. (Roberge, Dist 9; Lovejoy, Dist 6; R. Foster, Carr 10; J. Bradley, Carr 8: Transportation)
- SB 589** 4294B 94-2796
relative to the powers of fiduciaries in environmental matters. (Fraser, Dist 4; Russman, Dist 19: Executive Departments and Administration)
- SB 590** 4307B 94-2798
relative to the investment of trust funds by banks in affiliated investments. (Fraser, Dist 4; Russman, Dist 19: Banks)

- SB 591** 4442B 94-2801
relative to the aerial application of pesticides in residential neighborhoods and rural communities. (Lamirande, Dist 1: Environment)
- SB 592** 4392B 94-2782
relative to the display of expired motor vehicle plates. (Barnes, Dist 17: Transportation)
- SB 593-FN** 4314B 94-2788
relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients. (Fraser, Dist 4; Shaheen, Dist 21; Boucher, Rock 29: Public Institutions, Health and Human Services)
- SB 594-FN** 4313B 94-2804
relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license. (Podles, Dist 16; E. Gagnon, Hills 48: Ways and Means)
- SB 595** 4197B 94-2352
changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. (Hollingworth, Dist 23; McLane, Dist 15; Pignatelli, Dist 13; Cohen, Dist 24; Baldizar, Dist 12; J. King, Dist 18; Hough, Dist 5; W. King, Dist 2; S. Hurst, Rock. 22; Williamson, Rock 3; Splaine, Rock 36; L. Johnson, Hills 40; Bell, Rock 33; O'Brien, Straf 4: Economic Development)
- SB 596-LOCAL** 4174B 94-2355
relative to property taxes on property sold to religious and charitable organizations. (Pignatelli, Dist 13; Daniels, Hills 13: Executive Departments and Administration)
- SB 597** 4179B 94-2472
prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states. (Baldizar, Dist 12; W. King, Dist 2; Hollingworth, Dist 23; Mercer, Hills 27; Record, Hills 27: Judiciary)
- SB 598** 3652B 94-2475
extending lapse dates of certain appropriations in 1993, 359 (HB 25-A). (Hough, Dist 5; Blaisdell, Dist 10: Finance Executive Committee)
- SB 599-FN** 4291B 94-2507
establishing a board of licensing for ophthalmic dispensing and opticianry, and relative to the board's fees. (Hollingworth, Dist 23; J. King, Dist 18; Lamirande, Dist 1; Bourque, Dist 20; Sargent, Hills 3; L. Bergeron, Hills 32; Plourde, Hills 39; Laughlin, Hills 41; Asselin, Hills 47: Public Institutions, Health and Human Services)
- SB 600-FN-A** 3647B 94-2624
relative to a liquor store in Center Harbor and making an appropriation therefor. (MacDonald, Dist 3; Lawton, Belk 1; C. Johnson, Belk 1: Ways and Means)
- SB 601-FN** 4202B 94-2625
relative to administrative license suspension. (MacDonald, Dist 3: Judiciary)
- SB 602-FN** 4346B 94-2708
relative to defaults on payments of motor vehicle fines or court appearances. (Colantuono, Dist 14; Roberge, Dist 9; J. Bradley, Carr 8: Transportation)
- SB 603** 4300B 94-2736
relative to the definition and payment of salaried employees. (Fraser, Dist 4; Delahunty, Dist 22; Skinner, Rock 27; Nichols, Merr 2; Mercer, Hills 27: Executive Departments and Administration)

- SB 604-FN** 4213B 94-2808
relative to the Medicaid look-back provisions for applicants for public or medical assistance. (Pignatelli, Dist 13; Sargent, Hills 3: Public Institutions, Health and Human Services)
- SB 605** 4427B 94-2809
relative to the penalty for out-of-state habitual offenders driving in this state without a license. (MacDonald, Dist 3; J. Bradley, Carr 8: Judiciary)
- SB 606** 4169B 94-2810
authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies. (MacDonald, Dist 3; Pepino, Hills 40: Executive Departments and Administration)
- SB 607** 4361B 94-2811
relative to payment of hourly employees called for jury duty. (Lamirande, Dist 1: Executive Departments and Administration)
- SB 608** 4310B 94-2817
increasing the penalty for certain DWI offenses to include lifetime license revocation. (Barnes, Dist 17; Colantuono, Dist 14; Lovejoy, Dist 6; Hashem, Straf 6: Judiciary)
- SB 609** 4297B 94-2818
providing extended terms of imprisonment for certain DWI offenses. (Barnes, Dist 17; Hashem, Straf 6: Judiciary)
- SB 610** 4371B 94-2820
allowing municipalities to vote to impose a resident tax of up to \$1,000 to aid in property tax relief. (Russman, Dist 19: Ways and Means)
- SB 611** 4298B 94-2822
relative to the penalty for habitual offenders convicted of driving while intoxicated and home confinement. (Podles, Dist 16; MacDonald, Dist 3: Judiciary)
- SB 612** 4279B 94-2823
relative to the electricians' licensing board. (Currier, Dist 7; Felch, Rock 21: Executive Departments and Administration)
- SB 613** 4162B 94-2827
relative to administrative fines for violations of the emergency medical services law. (Currier, Dist 7; Cowenhoven, Hills 14: Executive Departments and Administration)
- SB 614** 4444B 94-2829
relative to child support orders for college costs. (Currier, Dist 7; Colantuono, Dist 14: Public Institutions, Health and Human Services)
- SB 615** 4380B 94-2830
relative to the use of repair plates. (Currier, Dist 7: Transportation)
- SB 616** 3739B 94-2095
relative to term limitations for members of Congress from New Hampshire. (Podles, Dist 16; Lamirande, Dist 1; Baldizar, Dist 12; Colantuono, Dist 14; Barnes, Dist 17; Currier, Dist 7; Lovejoy, Dist 6; Fraser, Dist 4; Wheeler, Dist 11; Roberge, Dist 9; MacDonald, Dist 3; Buessing, Merr 23; Warburton, Rock 12; Gagnon, Hills 48; Domaingue, Hills 44; Gilmore, Straf 11; N.Bergeron, Hills 28: Public Affairs)
- SB 617** 4378B 94-2672
establishing a committee to study the problem of suicide among young people. (Bourque, Dist 20; Russman, Dist 19; R. Gage, Hills 7: Public Institutions, Health and Human Services)

- SB 618** 4439B 94-2677
changing the title of juvenile services officers to juvenile probation-parole officers. (J. King, Dist 18; MacDonald, Dist 3; Shaheen, Dist 21; Laughlin, Hills 41; Reidy, Hills 46; Morello, Hills 38: Judiciary)
- SB 619-FN** 4212B 94-2678
relative to a cost of living adjustment for retired firefighters. (J.King, Dist 18; MacDonald, Dist 3; Laughlin, Hills 41; Reidy, Hills 46: Insurance)
- SB 620-LOCAL** 4344B 94-2679
standardizing the form used for abatement applications to municipalities. (J. King, Dist 18; Barnes, Dist 17; Laughlin, Hills 41; Reidy, Hills 46: Public Affairs)
- SB 621-FN** 4373B 94-2684
relative to eligibility for unemployment benefits. (Lamirande, Dist 1; Hurst, Rock 22: Public Affairs)
- SB 622** 4372B 94-2698
changing the membership of the board of examiners of psychology and mental health practice. (J. King, Dist 18; Shaheen, Dist 21; C. Moore, Merr 19; Dunn, Merr 24; Eaton, Graf 1: Executive Departments and Administration)
- SB 623** 4440B 94-2705
relative to the protection of freedom of speech on college campuses. (Colantuono, Dist 14; Barnes, Dist 17; Cohen, Dist 24; Currier, Dist 7; Houlahan, Merr 2; Kurk, Hills 5: Public Affairs)
- SB 624** 4194B 94-2721
requiring that the technical rules of evidence be applied in child abuse and neglect cases. (Wheeler, Dist 11; Lovejoy, Dist 6; Barnes, Dist 17; Currier, Dist 7: Judiciary)
- SB 625-FN-A** 4416B 94-2729
relative to an in-home care pilot program and making an appropriation therefor. (McLane, Dist 15; Blaisdell, Dist 10: Public Institutions, Health and Human Services)
- SB 626-FN** 4350B 94-2742
abolishing certain state agency positions when current employees have left the positions, unless the general court reestablishes the positions. (J.King, Dist 18; MacDonald, Dist 3; Shaheen, Dist 21; Barnes, Dist 17; Hollingworth, Dist 23; Currier, Dist 7; Disnard, Dist 8; Searles, Hills 23: Executive Departments and Administration)
- SB 627** 4386B 94-2821
relative to conduct and reporting after a motor vehicle accident. (Podles, Dist 16; Lovejoy, Dist 6: Judiciary)
- SB 628-FN** 4326B 94-2832
relative to regulation of youth camps. (Currier, Dist 7: Public Institutions, Health and Human Services)
- SB 629-FN** 4441B 94-2835
relative to the state guarantee of bonds issued by the business finance authority. (Currier, Dist 7; Colantuono, Dist 14: Economic Development)
- SB 630** 3750B 94-2106
relative to the New Hampshire industrial heritage commission. (Bourque, Dist 20; Podles, Dist 16; J. King, Dist 18; LaMott, Graf 5; Turner, Belk 7: Executive Departments and Administration)

- SB 631-FN-A** 4027B 94-2204
relative to an integrated computer network within the department of education, and making an appropriation therefor. (Disnard, Dist 8; Currier, Dist 7; Durham, Hills 22; Searles, Hills 23; P. Brown, Graf 11: Education)
- SB 632-FN-A** 4152B 94-2243
establishing a pilot program to create a telecommunications link for trade information to promote international trade and making an appropriation therefor. (Cohen, Dist 24; W. King, Dist 2; Currier, Dist 7; Shaheen, Dist 21; Blaisdell, Dist 10; Barnes, Dist 17; Fuller Clark, Rock 31; Peyron, Sull 4; Ham, Graf 4: Economic Development)
- SB 633** 3823B 94-2246
exempting the real estate and personal property of The Housing Partnership from the property tax. (Cohen, Dist 24; J. King, Dist 18; Lamirande, Dist 1; Fuller Clark, Rock 31; A. Merrill, Straf 8: Executive Departments and Administration)
- SB 634** 3785B 94-2302
establishing a committee to study and promote the use of non-motorized transportation. (Cohen, Dist 24; MacDonald, Dist 3; Baldizar, Dist 12; Caswell, Rock 19; Loder, Straf 8; Fuller Clark, Rock 31: Transportation)
- SB 635** 4006B 94-2303
requiring public transportation to be considered before airport parking lots are approved for expansion. (Cohen, Dist 24; MacDonald, Dist 3; Fuller Clark, Rock 31; A. Merrill, Straf 8: Transportation)
- SB 636** 4433B 94-2304
relative to the public use of coastal beaches for recreational purposes. (Cohen, Dist 24; Fuller Clark, Rock 31; Hart, Hills 37; Wall, Straf 9; DiPietro, Rock 20: Wildlife and Recreation)
- SB 637-FN** 4205B 94-2658
relative to public roads and the use of salt, sand and deicing alternatives. (Baldizar, Dist 12; Russman, Dist 19: Transportation)
- SB 638-FN** 4230B 94-2662
relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections. (Hollingworth, Dist 23; Blaisdell, Dist 10; Currier, Dist 7; J. King, Dist 18; C. Brown, Graf 14; LaMott, Graf 5; D. Hall, Merr 10: Finance Executive Committee)
- SB 639** 4406B 94-2706
relative to medical records and the fee for retrieving medical record copies. (Colantuono, Dist 14; Russman, Dist 19: Public Institutions, Health and Human Services)
- SB 640-FN** 4319B 94-2700
abolishing the advisory board of massage practitioners, establishing a regulatory board of massage practitioners, and specifying the board's duties, rulemaking authority, and fee collection procedures. (Colantuono, Dist 14; Baldizar, Dist 12; Disnard, Dist 8; Currier, Dist 7; S. Dowd, Rock. 13: Executive Departments and Administration)
- SB 641-FN** 4200B 94-2650
relative to group II retirement system membership for peace officers in the division of safety services. (Shaheen, Dist 21; MacDonald, Dist 3; Blaisdell, Dist 10; Fillion, Merr 17; McGovern, Rock 35: Insurance)
- SB 642-FN** 4351B 94-2202
relative to drug-free school zones and creating a special fund for providing and replacing zone signs. (Podles, Dist 16; Currier, Dist 7; J. King, Dist 18; Tate, Hills 23; Hilliard, Straf 14; Searles, Hills 23: Transportation)

- SB 643-FN-A** 4321B 94-2556
relative to examining the feasibility of building a civic/exposition center in Manchester and making an appropriation therefor. (Bourque, Dist 20: Economic Development)
- SB 644-FN-A** 4221B 94-2241
appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101. (Cohen, Dist 24; Barnes, Dist 17; MacDonald, Dist 3; Hollingworth, Dist 23; Gargiulo, Rock 25; Richards, Rock 23; Syracuse, Rock 33: Capital Budget)
- SB 645-FN** 3767B 94-2154
requiring the state to accept the Union Leader building and authorizing the commissioner of administrative services to determine how the real estate shall be renovated for use as a court facility and for additional state office space. (D. Wheeler, Dist 11; Lovejoy, Dist 6, Russman, Dist 19: Capital Budget)
- SB 646-FN** 4352B 94-2761
relative to the taking of freshwater smelt. (Disnard, Dist 8; Barnes, Dist 17; Boucher, Rock 29: Wildlife and Recreation)
- SB 647** 4214B 94-2752
relative to compulsory attendance. (Colantuono, Dist 14; P. Brown, Graf 11; Skinner, Rock 27; Williamson, Rock 3: Education)
- SB 648-FN** 4217B 94-2366
amending the 10-year highway plan and requiring the department of transportation to construct northbound and southbound entrance and exit ramps on I-93 in the town of Thornton. (W. King, Dist 2: Transportation)
- SB 649** 4425B 94-2795
relative to workers' compensation insurance disclosure. (W. King, Dist 2: Insurance)
- SB 650-FN-A** 4284B 94-2756
establishing a lead base substance abatement fund and making an appropriation therefor. (Shaheen, Dist 21; Fraser, Dist 4; W. King, Dist 2; Lovejoy, Dist 6; J. King, Dist 18; E. Smith, Ches 6; R. Foster, Carr 10; Nordgren, Graf 10; Wallner, Merr 24; McGovern, Rock 35: Public Institutions, Health and Human Services)
- SB 651-FN** 4462B 94-2726
creating a real estate recovery trust fund, to be funded by certain fees. (Lovejoy, Dist 6; Roberge, Dist 9; Barnes, Dist 17: Economic Development)
- SB 652-FN-A** 4164B 94-2846
making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families. (Disnard, Dist 8; Baldizar, Dist 12; Cohen, Dist 24; Lamirande, Dist 1; Bourque, Dist 20; M.Hawkinson, Coos 7; Plourde, Hills 39; Hilliard, Straf 14; Mayhew, Coos 2; Salatiello, Belk 2: Public Institutions, Health and Human Services)
- SB 653** 4168B 94-2814
repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places. (Lamirande, Dist 1: Environment)
- SB 654** 4410B 94-2815
establishing a committee to study the feasibility of instituting a kindergarten voucher program. (Colantuono, Dist 14; Podles, Dist 16; Bove, Rock 29; Trombly, Merr 4; Daniels, Hills 13; Arndt, Rock 27; Fenton, Hills 24: Education)

- SB 655-FN-A** 4456B 94-2836
relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor. (Currier, Dist 7; Russman, Dist 19; Cohen, Dist 24; Whalley, Merr 5: Environment)
- SB 656** 4266B 94-2839
repealing the chapter regarding the subversive activities act. (McLane, Dist 15; Hough, Dist 5; Blaisdell, Dist 10: Judiciary)
- SB 657-LOCAL** 4278B 94-2841
creating an optional form of legislative body for town government. (Cohen, Dist 24; Hemon, Straf 11: Public Affairs)
- SB 658** 4257B 94-2842
regulating the practice of dental hygiene, including the issuance of licenses and fees. (Cohen, Dist 24; Lamirande, Dist 1; Hollingworth, Dist 23; Shaheen, Dist 21; Sargent, Hills 3; Asselin, Hills 47; Newman, Rock 4; Copenhaver, Graf 10: Executive Departments and Administration)
- SB 659-FN-A** 4232B 94-2845
relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor. (Barnes, Dist 17: Economic Development)
- SB 660** 4166B 94-2847
relative to settlements on behalf of minors. (Podles, Dist 16; Domini, Sull 6: Judiciary)
- SB 661** 4368B 94-2848
preventing strategic lawsuits against public participation. (Podles, Dist 16; Barnes, Dist 17; Lovejoy, Dist 6; Warburton, Rock 12: Judiciary)
- SB 662** 4224B 94-2849
to limit electioneering at polling places. (Podles, Dist 16; Gilmore, Straf 11; Domaingue, Hills 44: Judiciary)
- SB 663** 4296B 94-2850
relative to wiretapping. (Baldizar, Dist 12; Podles, Dist 16; Shaheen, Dist 21; C. Johnson, Belk 1; Lown, Hills 14: Judiciary)
- SB 664** 4394B 94-2851
relative to laid off state employees whose positions are federally funded. (Shaheen, Dist 21; P. LaMott, Graf. 5: Executive Departments and Administration)
- SB 665-LOCAL** 4198B 94-2854
prohibiting the use of per capita income or personal income as a basis for determining costs of capital outlay and operation in cooperative school districts. (Lovejoy, Dist 6; Roberge, Dist 9; Barnes, Dist 17: Education)
- SB 666-LOCAL** 4219B 94-2855
relative to the appraisal of the operating property of public utilities for purposes of property taxation. (J. King, Dist 18; Hollingworth, Dist 23: Ways and Means)
- SB 667-FN** 4292B 94-2646
relative to guardians ad litem appointed in child protection cases. (Podles, Dist 16; Hollingworth, Dist 23; Lozeau, Hills 30: Public Institutions, Health and Human Services)
- SB 668-FN-LOCAL** 4211B 94-2852
abolishing the New Hampshire retirement system special reserve account. (Blaisdell, Dist 10; J. King, Dist 18; McLane, Dist 15; McGovern, Rock 35: Insurance)

- SB 669-FN-LOCAL** 4209B 94-2754
relative to creditable service under the retirement system for time during which a person is receiving workers' compensation. (Shaheen, Dist 21; J. King, Dist 18; Blaisdell, Dist 10; McGovern, Rock 35; B. Packard, Hills 19: Insurance)
- SB 670-FN** 4281B 94-2777
making technical corrections to the securities laws and relative to fees for securities registration. (Fraser, Dist 4; Barnes, Dist 17; Lamirande, Dist 1; Disnard, Dist 8; Baldizar, Dist 12; Hunt, Ches 10; Wells, Hills 16: Insurance)
- SB 671-FN-A** 4246B 94-2840
negating the repeal of tax credits against the business profits tax and the investment tax credit. (McLane, Dist 15: Ways and Means)
- SB 672-FN** 4253B 94-2734
requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings. (Fraser, Dist 4; Currier, Dist 7; Bourque, Dist 20; Colantuono, Dist 14: Public Affairs)
- SB 673-FN** 4468B 94-2714
generally amending certain provisions relating to domestic violence. (Baldizar, Dist 12; Podles, Dist 16; Shaheen, Dist 21; C. Johnson, Belk 1; Lown, Hills 14: Judiciary)
- SB 674-FN-A** 4185B 94-2648
placing responsibility for dredging projects in tidal waters with the port authority and making an appropriation therefor. (Hollingworth, Dist 23; Cohen, Dist 24; K. Malcolm, Rock. 22; O'Keefe, Rock 21; Keans, Straf 16; Hurst, Rock 22: Environment)
- SB 675-FN** 4405B 94-2763
permitting the propagation and sale of Virginia white-tailed deer. (Disnard, Dist 8; Lovejoy, Dist 6; Barnes, Dist 17: Wildlife and Recreation)
- SB 676** 4407B 94-2681
relative to equal employment opportunity in the workplace. (Lamirande, Dist 1; Hurst, Rock 22: Public Affairs)
- SB 677-FN** 4210B 94-2781
relative to paternity. (J. King, Dist 18; Disnard, Dist 8; Woods, Rock 25: Judiciary)
- SB 678** 4255B 94-2789
establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means. (Baldizar, Dist 12; Roberge, Dist 9; Pignatelli, Dist 13; Shaheen, Dist 21; Hollingworth, Dist 23; MacDonald, Dist 3; Burnham, Ches 8; Lozeau, Hills 30; Mercer, Hills 27; L'Heureux, Hills 18: Transportation)
- SB 679** 4374B 94-2797
relative to the qualifications for speech and language pathologists. (Disnard, Dist 8; Carter, Merr 7: Executive Departments and Administration)
- SB 680** 4393B 94-2799
revising the mandatory reporting provisions in child protection cases. (Colantuono, Dist 14; Currier, Dist 7; Barberia, Merr 9; S. Packard, Rock 29; Cogswell, Carr 5: Public Institutions, Health and Human Services)
- SB 681** 4309B 94-2803
relative to fingerprinting of school district applicants for employment, and requiring record checks of non-certified applicants for employment with

school administrative units or school districts. (Podles, Dist 16; Colantuono, Dist 14; J. King, Dist 18; Barnes, Dist 17; Arndt, Rock 27; Skinner, Rock 27: Education)

SB 682 4155B 94-2675

relative to the composition of the nuclear decommissioning financing committees. (Blaisdell, Dist 10; J. King, Dist 18; Shaheen, Dist 21; C. Brown, Graf. 14: Finance Executive Committee)

SB 683 4396B 94-2682

authorizing the award of punitive damages and attorneys' fees for violations of the human rights laws. (Lamirande, Dist 1; M. Hawkinson, Coos 7: Judiciary)

SB 684 4331B 94-2715

limiting fees charged by companies for checks drawn on insufficient funds. (Lamirande, Dist 1: Banks)

SB 685 4146B 94-2731

relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees. (Currier, Dist 7; MacDonald, Dist 3: Executive Departments and Administration)

SB 686 4302B 94-2764

reclassifying a portion of Stratham Heights Road in the town of Stratham. (Cohen, Dist 24; Woods, Rock 25; Rubin, Rock 25: Transportation)

SB 687 4362B 94-2767

requiring that at least 75 percent of campaign contributions come from contributors in the candidate's district. (Hollingworth, Dist 23; Flanagan, Rock 14; Fuller Clark, Rock 31: Executive Departments and Administration)

SB 688-LOCAL 4305B 94-2775

relative to redemption of property subject to tax liens for the elderly and disabled. (Bourque, Dist 20; R. Gage, Hills 7; R. Wheeler, Hills 7; Hunter, Hills 7: Executive Departments and Administration)

SB 689 4222B 94-2784

enabling municipalities to require cat identification. (Roberge, Dist 9; Cohen, Dist 24; Shaheen, Dist 21; B. Coes, Rock. 19; Loder, Straf 8; K. Wheeler, Straf 8; A. Merrill, Straf 8; K. Pratt, Rock 22: Wildlife and Recreation)

SB 690 4332B 94-2859

establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees. (J. King, Dist 18; Shaheen, Dist 21; Disnard, Dist 8; Gilmore, Straf 11; Laughlin, Hills 41; Reidy, Hills 46: Education)

SB 691 4261B 94-2860

relative to the use of surplus campaign funds by candidates for state office. (J. King, Dist 18; Shaheen, Dist 21; Disnard, Dist 8; Hollingworth, Dist 23; Gilmore, Straf 11: Public Affairs)

SB 692 4454B 94-2863

establishing a streamlined durable power of attorney for health care. (McLane, Dist 15; Wadsworth, Graf 14; Allison, Sull 10: Public Institutions, Health and Human Services)

SB 693 4391B 94-2865

relative to a study of the requirement for a work certificate under the youth employment law. (McLane, Dist 15: Executive Departments and Administration)

- SB 694-LOCAL** 4191B 94-2866
exempting church-operated child day care facilities from state licensing requirements. (Wheeler, Dist 11; Colantuono, Dist 14; Lovejoy, Dist 6; Cogswell, Carr 5; Daniels, Hills 13: Public Institutions, Health and Human Services)
- SB 695** 4347B 94-2869
relative to the financial regulation of life and health insurers. (Fraser, Dist 4: Insurance)
- SB 696-LOCAL** 4438B 94-2870
requiring the department of revenue administration to base its determination of total equalization in small towns on 3 years of property sales and assessments in such towns. (Disnard, Dist 8: Ways and Means)
- SB 697-FN-A** 4383B 94-2871
relative to the New Hampshire Industrial Research Center and making an appropriation therefor. (W. King, Dist 2; Shaheen, Dist 21; Groves, Rock 22: Economic Development)
- SB 698** 4400B 94-2872
requiring the department of resources and economic development to advertise only out-of-state to promote New Hampshire business. (Cohen, Dist 24; Buckley, Hills 44: Economic Development)
- SB 699** 4308B 94-2873
prohibiting the taking of deer east of I-95. (Cohen, Dist 24; Hollingworth, Dist 23; Christie, Rock 22: Wildlife and Recreation)
- SB 700-FN-LOCAL** 4424B 94-2805
relative to reinstatement of workers sustaining compensable injuries. (Hollingworth, Dist 23; Shaheen, Dist 21; Rep. J. Ward, Merr 12: Insurance)
- SB 701-FN-A-LOCAL** 4263B 94-2791
relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee. (Colantuono, Dist 14; Delahunty, Dist 22; Fraser, Dist 4; Buckley, Hills 44; Wall, Straf 9; Hazelton, Rock 29: Economic Development)
- SB 702-FN-A** 4274B 94-2774
relative to congregate housing and making an appropriation therefor. (Bourque, Dist 20; Podles, Dist 16; Blaisdell, Dist 10; K. Foster, Ches 19; LaMott, Graf 5; Nardi, Hills 39: Public Institutions, Health and Human Services)
- SB 703-FN** 4215B 94-2760
creating a university system research development fund. (Shaheen, Dist 21; Cohen, Dist 24; W. King, Dist 2; A. Merrill, Straf 8; K. Wheeler, Straf 8; Burling, Sull 1: Education)
- SB 704-FN** 4293B 94-2888
excluding certain persons incarcerated for negligent homicide as a result of DWI from eligibility for parole as low-risk, non-violent prisoners. (Roberge, Dist 9; Hashem, Straf 6: Judiciary)
- SB 705** 4404B 94-2886
requiring in domestic cases that a child be allowed unsupervised visitation with the non-custodial parent unless that parent has been convicted of a felony or felony criminal charges are pending, or unless there is a finding of child abuse or neglect or allegations of child abuse or neglect are pending. (Wheeler, Dist 11: Judiciary)
- SB 706** 4415B 94-2874
allowing school districts to use the official ballot for issues before the voters. (Roberge, Dist 9; Barnes, Dist 17; Lovejoy, Dist 6; Colantuono, Dist 14;

Wheeler, Dist 11; D. Kelly, Hills. 15; Putnam, Rock 15; Senter, Rock 16; Klemarczyk, Rock 20: Public Affairs)

SB 707-FN 4389B 94-2905
lowering the age of eligibility for a nondriver's picture identification card. (Blaisdell, Dist 10; J. King, Dist 18; McGovern, Rock 35; K. Wheeler, Straf 8: Public Affairs)

SB 708-FN 4449B 94-2904
requiring the department of fish and game to permit aquaculture of oysters in the Piscataqua River. (Cohen, Dist 24: Environment)

SB 709-FN 4188B 94-2908
relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan. (Baldizar, Dist 12; J. King, Dist 18; McLane, Dist 15; Wallner, Merr 24; Amidon, Hills 9: Public Institutions, Health and Human Services)

SB 710-FN-LOCAL 4318B 94-2898
changing the interest rate on delinquent property taxes and subsequent taxes. (Russman, Dist 19: Ways and Means)

SB 711 4058B 94-2656
relative to small employer and individual insurance. (Shaheen, Dist 21; Fraser, Dist 4; Delahunty, Dist 22; Hollingworth, Dist 23; J. King, Dist 18; Blaisdell, Dist 10; Crory, Graf 10; K. Wheeler, Straf 8; B. Packard, Hills 19; R. Foster, Carr 10: Insurance)

SB 712 4272B 94-2717
prohibiting the healthy kids corporation insurance plan from funding abortions. (Wheeler, Dist 11; Lovejoy, Dist 6; Colantuono, Dist 14; Barnes, Dist 17; Cogswell, Carr 5; Arndt, Rock 27; Pepino, Hills 40: Insurance)

SB 713 4403B 94-2885
providing that, under the child protection act, failure to comply with the provisions relative to filing reports, evaluations, and other records shall be grounds for dismissal of the petition. (Wheeler, Dist 11; Currier, Dist 7; Lovejoy, Dist 6; Barnes, Dist 17: Public Institutions, Health and Human Services)

SB 714 4384B 94-2844
relative to personal flotation devices. (MacDonald, Dist 3: Wildlife and Recreation)

SB 715 4337B 94-2889
relative to the time period during which notice must be filed concerning the results of an alcohol concentration test. (Roberge, Dist 9; Lovejoy, Dist 6; Hashem, Straf 6: Judiciary)

SB 716-FN 4367B 94-2892
relative to the evaluation of bids for the treatment and disposal of contaminated soil. (Barnes, Dist 17; Gilmore, Straf 11; J. Bradley, Carr 8; A. Merrill, Straf 8: Environment)

SB 717 4265B 94-2900
relative to false residency forms and automobile insurance. (Fraser, Dist 4: Insurance)

SB 718 4399B 94-2901
relative to the real estate appraiser board. (W. King, Dist 2; Shaheen, Dist 21; Lundborn, Straf 18; Drolet, Hills 12; Searles, Hills 23: Executive Departments and Administration)

- SB 719** 4409B 94-2902
establishing a committee to study the feasibility of implementing the Squam lakes watershed plan. (W. King, Dist 2: Environment)
- SB 720** 4369B 94-2903
requiring the advisory committee on shore fisheries to assume responsibility for developing shellfish management strategies. (Cohen, Dist 24; Hollingworth, Dist 23; Felch, Rock 21: Environment)
- SB 721** 4340B 94-2906
establishing a committee to study revising the aeronautics statutes. (Blaisdell, Dist 10; Perry, Ches 11; Cole, Ches 11: Executive Departments and Administration)
- SB 722** 4220B 94-2907
relative to petitions for declaratory judgments to determine insurance coverage. (Baldizar, Dist 12; DePecol, Ches 14: Insurance)
- SB 723-FN-LOCAL** 3827B 94-2110
expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns. (W. King, Dist 2; J. King, Dist 18; L. Foster, Hills 10: Public Institutions, Health and Human Services)
- SB 724** 4259B 94-2673
requiring clear and conspicuous posting of notice on secured premises. (Roberge, Dist 9; D. Kelley, Hills 15; Messier, Hills 46; Burke, Hills 15: Public Affairs)
- SB 725-FN** 4223B 94-2242
requiring the department of transportation to install traffic lights on U.S. Route 1 at the intersections with Washington Road and Lang Road in the town of Rye. (Cohen, Dist 24: Transportation)
- SB 726-FN** 4288B 94-2635
changing the title of the division for children and youth services to the division for children, youth, and families. (McLane, Dist 15; Sen. Baldizar, Dist 12; J. Brown, Straf 17: Public Institutions, Health and Human Services)
- SB 727-FN** 4151B 94-2665
extending the driver attitude training program. Roberge, Dist 9; Barnes, Dist 17: Transportation)
- SB 728-FN-A-LOCAL** 4459B 94-2680
providing incentive aid for public kindergarten programs and making an appropriation therefor. (Lamirande, Dist 1; Blaisdell, Dist 10; Carter, Merr 7; M. Hawkinson, Coos 7; Searles, Hills 23: Education)
- SB 729-FN-LOCAL** 4195B 94-2685
allowing high school credit for community service, changing the maximum compulsory school attendance age from 16 to 18 years of age, changing the school entry enrollment date, and allowing certain children with disabilities to get work certificates. (Lamirande, Dist 1: Education)
- SB 730-FN** 4153B 94-2699
relative to funding for low income and financially disadvantaged utility assistance programs. (Bourque, Dist 20; J. King, Dist 18; Barnes, Dist 17; Holmes, Merr 14; Nardi, Hills 39; D. Sytek, Rock 26: Public Institutions, Health and Human Services)
- SB 731-FN** 4387B 94-2716
relative to mandatory automobile insurance. (Lamirande, Dist 1: Insurance)

- SB 732-FN** 4148B 94-2776
establishing the position of substance abuse statistics coordinator. (Hollingworth, Dist 23; J. King, Dist 18; Amidon, Hills 9; O'Keefe, Rock 21; M. Fuller Clark, Rock 31: Judiciary)
- SB 733-FN** 4286B 94-2824
requiring certification of athletic trainers, including fees for certification. (Currier, Dist 7; Blaisdell, Dist 10; S. Dowd, Rock. 13: Executive Departments and Administration)
- SB 734-FN** 4370B 94-2826
relative to fireworks. (Currier, Dist 7; D. Welch, Rock 18: Public Affairs)
- SB 735-FN-LOCAL** 4465B 94-2861
allowing political subdivisions to impose an interest charge on any delinquent state obligation. (J. King, Dist 18; MacDonald, Dist 3; Barnes, Dist 17; Hollingworth, Dist 23; Currier, Dist 7; Laughlin, Hills 41; Reidy, Hills 46; Searles, Hills 23: Ways and Means)
- SB 736-FN-A** 4252B 94-2864
relative to the taxation of revocable trusts. (McLane, Dist 15; Mercer, Hills 27: Insurance)
- SB 737-FN-LOCAL** 4358B 94-2887
authorizing the state board of education to adopt rules relative to non-institutional private education programs and making private educators subject to certain education laws. (Wheeler, Dist 11; Lovejoy, Dist 6; Barnes, Dist 17; Cogswell, Carr 5: Education)
- SB 738-FN-LOCAL** 4042B 94-2201
establishing a procedure for the emancipation of minors. (Colantuono, Dist 14; J. King, Dist 18; N. Larson, Graf. 8; D. Sytek, Rock 26: Judiciary)
- SB 739-FN** 4196B 94-2512
relative to the retirement group classification of investigators in the department of justice and relative to the powers of such investigators. (Blaisdell, Dist 10; McLane, Dist 15: Insurance)
- SB 740-FN** 4262B 94-2628
relative to employee leasing. (W. King, Dist 2; Hollingworth, Dist 23; Shaheen, Dist 21: Public Affairs)
- SB 741-FN** 4285B 94-2659
allowing any person with a direct or indirect interest in a decision by the real estate commission to appeal such decision. (Disnard, Dist 8: Executive Departments and Administration)
- SB 742-FN** 4398B 94-2669
making the workers' compensation premium for domestic optional. (Cohen, Dist 24: Insurance)
- SB 743-FN** 4418B 94-2739
relative to insurance coverage for children. (Fraser, Dist 4; Podles, Dist 16; Woods, Rock 25; Gilmore, Straf 11: Insurance)
- SB 744-FN** 4208B 94-2740
to extend medical and surgical benefits to the disabled children of retirees. (Hollingworth, Dist 23; J. King, Dist 18; Blaisdell, Dist 10; M. Fuller Clark, Rock 31; Amidon, Hills 9: Insurance)
- SB 745-FN** 4295B 94-2753
relative to the maintenance of vegetation obstructing advertising devices. (Cohen, Dist 24; Barnes, Dist 17; Lamirande, Dist 1; MacDonald, Dist 3; Lovejoy, Dist 6; Hilliard, Straf 14; D. Soucy, Hills 42; M. Holt, Hills 26; Salatiello, Belk 2; D. Welch, Rock 18: Environment)

- SB 746-FN** 4258B 94-2773
relative to land fee increases in manufactured housing parks. (Hollingworth, Dist 23; Baldizar, Dist 12; Cohen, Dist 24; Disnard, Dist 8; O'Keefe, Rock 21; Lozeau, Hills 30: Public Affairs)
- SB 747-FN** 4390B 94-2787
relative to lease-purchase agreements. (Fraser, Dist 4; LaMott, Graf 5; Mercer, Hills 27: Banks)
- SB 748-FN** 4467B 94-2790
creating interagency family assistance teams for at-risk youths. (McLane, Dist 15; Senter, Rock 16; I. Pratt, Ches 5: Public Institutions, Health and Human Services)
- SB 749-FN** 4317B 94-2825
relative to the workers' personal care assistance program. (Currier, Dist 7: Public Institutions, Health and Human Services)
- SB 750-FN** 4466B 94-2828
relative to the medical examiner and establishing a committee to study the office of the medical examiner. (Currier, Dist 7; Copenhaver, Graf 10: Public Institutions, Health and Human Services)
- SB 751-FN** 4271B 94-2831
deleting the restriction on the number of hours which part-time assistant attorneys general may work. (Pignatelli, Dist 13: Judiciary)
- SB 752-FN** 4450B 94-2833
relative to signage on highways and signage fees. (Currier, Dist 7: Transportation)
- SB 753-FN-A-LOCAL** 4280B 94-2837
relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor. (W. King, Dist 2; McLane, Dist 15; Wallner, Merr 24; M. Fuller Clark, Rock 31: Public Institutions, Health and Human Services)
- SB 754-FN** 4289B 94-2838
directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. (Cohen, Dist 24; Hollingworth, Dist 23; Lovejoy, Dist 6; Shaheen, Dist 21; Vaughn, Rock 35; Crossman, Rock 32; Keans, Straf 16; McGovern, Rock 35; Syracuse, Rock 33: Interstate Cooperation)
- SB 755-FN-A** 4377B 94-2856
allowing a business profits tax credit for alternative fuel vehicles. (Hollingworth, Dist 23; Disnard, Dist 8; Daigle, Hills 28; Callaghan, Straf 15; J. Bradley, Carr 8; Peters, Hills 8: Transportation)
- SB 756-FN-A** 4244B 94-2858
relative to the definition of "gross receipts" for the calculation of the franchise tax. (Hollingworth, Dist 23; Daigle, Hills 28; Callaghan, Straf 15; Bradley, Carr 8; Peters, Hills 8: Environment)
- SB 757-FN-A** 4408B 94-2891
relative to an education tax credit against the business profits tax. (W.King, Dist 2: Education)
- SB 758-FN** 4171B 94-2896
relative to a civil filing fee surcharge for civil legal assistance to low-income persons. (McLane, Dist 15; Hollingworth, Dist 23; Shaheen, Dist 21: Judiciary)

- SB 759-FN-A** 4356B 94-2897
relative to child support and making an appropriation therefor. (Hollingworth, Dist 23; McLane, Dist 15; Disnard, Dist 8; C. Moore, Merr 19; J. Brown, Straf 17; Wallner, Merr 24; K. Wheeler, Straf 8; O'Keefe, Rock 21: Public Institutions, Health and Human Services)
- SB 760-FN-A-LOCAL** 4149B 94-2813
establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees. (Lamirande, Dist 1: Finance Executive Committee)
- SB 761-A** 4299B 94-2890
relative to rehabilitating the rail lines of class III railroads and making an appropriation therefor. (MacDonald, Dist 3: Transportation)
- SB 762-FN** 4235B 94-2868
relative to restricting steel strapping sales. (MacDonald, Dist 3; Barnes, Dist 17; Mercer, Hills 27: Environment)
- SB 763** 4477B 94-2853
establishing a commission on national and community service. (Shaheen, Dist 21; J. King, Dist 18: Public Affairs)
- SB 764-FN** 3538B 94-2115
requiring the department of transportation to reconstruct and to maintain, from November 1 to April 1, a portion of the Tri-Cothic Road in the town of Ellsworth. (W. King, Dist 2: Transportation)
- SB 765-FN-LOCAL** 4432B 94-2689
relative to private utility companies and the payment of highway relocation costs. (Baldizar, Dist 12; Pignatelli, Dist 13; Hollingworth, Dist 23; Shaheen, Dist 21; Lozeau, Hills 30; Mercer, Hills 27; Record, Hills 27: Transportation)
- SB 766-A** 4435B 94-2743
making a capital appropriation to the department of transportation for the installation of sidewalks on U.S. Route 3 in Weirs Beach. (Fraser, Dist 4: Transportation)
- SB 767-FN** 4343B 94-2757
relative to mental illness coverage under insurance policies. (Shaheen, Dist 21; Fraser, Dist 4; Delahunty, Dist 22; Lamirande, Dist 1; Podles, Dist 16; Crory, Graf 10; D. Sytek, Rock 26; A. Torr, Straf 12; Nardi, Hills 39; Manning, Ches 9: Insurance)
- SB 768-FN** 4452B 94-2772
relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways. (Hollingworth, Dist 23; Disnard, Dist 8; J. Bradley, Carr 8; Daigle, Hills 28; Callaghan, Straf 15; Peters, Hills 8: Environment)
- SB 769-FN** 4375B 94-2794
dividing any budget surplus between the revenue stabilization reserve account and state aid to education. (W. King, Dist 2: Education)
- SB 770-FN4473B** 94-2812
relative to eligibility requirements for persons receiving public assistance. (Lamirande, Dist 1: Public Institutions, Health and Human Services)
- SB 771-FN-A** 4316B 94-2819
relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases and making an appropriation therefor.

(Hollingworth, Dist 23; J. King, Dist 18; MacDonald, Dist 3; Blaisdell, Dist 10; Disnard, Dist 8; D. Sytek, Rock 26; O'Keefe, Rock 21: Judiciary)

SB 772-FN 4419B 94-2875

authorizing involuntary civil commitment for certain individuals. (Barnes, Dist 17; Podles, Dist 16; Colantuono, Dist 14; Russman, Dist 19; Pignatelli, Dist 13; Baldizar, Dist 12; Cogswell, Carr 5; D. Sytek, Rock 26; Newman, Rock 4: Public Institutions, Health and Human Services)

SB 773-FN-A 4204B 94-2915

clarifying the applicability of the real estate transfer tax. (Delahunty, Dist 22: Ways and Means)

SB 774-FN 4360B 94-2920

to increase the medicaid coverage for all children up to 18 years of age. (J. King, Dist 18; Hollingworth, Dist 23: Insurance)

SB 775-FN 4273B 94-2921

providing medicaid coverage for adults 18 to 64 years of age. (J. King, Dist 18; Shaheen, Dist 21; Hollingworth, Dist 23: Insurance)

SB 776 4170B 94-2922

creating a committee to determine the total cost to the state for health care for its citizens. (J. King, Dist 18: Insurance)

SB 777 4339B 94-2923

establishing a committee to study a universal health care plan for New Hampshire. (J. King, Dist 18; MacDonald, Dist 3; Disnard, Dist 8; Laughlin, Hills 41; Reidy, Hills 46: Insurance)

SB 778 4216B 94-2924

establishing a committee to determine whether resources are available in the university system of New Hampshire which could be used towards a goal of universal health care in New Hampshire. (J. King, Dist 18: Insurance)

SB 779-FN 4382B 94-2926

revising the composition of the health services planning and review board and requiring the development of a state health plan. (Shaheen, Dist 21; J. King, Dist 18; Currier, Dist 7; Copenhaver, Graf 10; K. Wheeler, Straf 8: Public Institutions, Health and Human Services)

SB 780 4336B 94-2928

expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions. (Shaheen, Dist 21; Cohen, Dist 24; M. Battles, Rock. 18; T. Cain, Belk 3: Education)

SB 781-A 4323B 94-2931

requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated. (Shaheen, Dist 21; MacDonald, Dist 3; Hemon, Straf 11; Gilmore, Straf 11; Knowles, Straf 11: Transportation)

SB 782-FN 4422B 94-2933

relative to workplace safety under the workers' compensation law. (Shaheen, Dist 21; Hollingworth, Dist 23: Insurance)

SB 783-LOCAL 4127B 94-2663

requiring bond issues to be placed on the official ballot. (Roberge, Dist 9; Lovejoy, Dist 6; Colantuono, Dist 14; Wheeler, Dist 11; D. Kelley, Hills 15; Bowers, Hills 15; Burke, Hills 15; P. Wells, Hills 16; Domaingue, Hills 44: Executive Departments and Administration)

- SB 784** 4445B 94-2911
establishing a committee to study alternatives to the secure detention of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B. (J. King, Dist 18; Disnard, Dist 8; Shaheen, Dist 21; Morello, Hills 38: Judiciary)
- SB 785** 4172B 94-2912
establishing a committee to review the current procedures of the central registry in the department of health and human services. (J. King, Dist 18: Public Institutions, Health and Human Services)
- SB 786-FN-LOCAL** 4412B 94-2914
allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire. (Hollingworth, Dist 23; Daigle, Hills 28; Callaghan, Straf 15; J. Bradley, Carr 8; Peters, Hills 8: Environment)
- SB 787-FN-A** 4267B 94-2895
relative to dental coverage for adults under the Medicaid program and making an appropriation therefor. (McLane, Dist 15; Hollingworth, Dist 23; K. Foster, Ches 19; Wallner, Merr 24; K. Wheeler, Straf 8: Insurance)
- SB 788-FN-LOCAL** 4476B 94-2857
relative to alternative fuel motor vehicles. (Hollingworth, Dist 23; Callaghan, Straf 15: Environment)
- SB 789-FN-A-LOCAL** 4448B 94-2639
establishing a health care authority and making an appropriation therefor and imposing a surtax on health care insurers. (Hollingworth, Dist 23; Cohen, Dist 24; J. King, Dist 18; Blaisdell, Dist 10; P. Fillion, Merr. 17; K. Wheeler, Straf 8; Trombly, Merr 4; Amidon, Hills 9; Keans, Straf 16: Public Institutions, Health and Human Services)
- SB 790** 4231B 94-2878
relative to small power producers. (Hough, Dist 5; Blaisdell, Dist 10; Cohen, Dist 24; Currier, Dist 7; Schotanus, D. Scanlan, Graf. 11; Sull 3; B. Packard, Hills 19: Economic Development)
- SB 791-FN-A** 4421B 94-2879
to facilitate cooperative agreements among New Hampshire hospitals and making an appropriation therefor. (Hough, Dist 5: Public Institutions, Health and Human Services)
- SB 792-A** 4175B 94-2880
relative to the Pease International Tradeport and increasing the bonding authority of the Pease development authority. (Hough, Dist 5: Finance Executive Committee)
- SB 793-A** 4176B 94-2881
relative to the Pease development authority and making an appropriation therefor. (Hough, Dist 5: Finance Executive Committee)
- SB 794-A** 4322B 94-2882
making a capital appropriation for highway transportation infrastructure. (Hough, Dist 5: Transportation)
- SB 795-FN-A-LOCAL** 4446B 94-2909
allocating and continually appropriating a percentage of the gas tax for maintenance of scenic roads. (W. King, Dist 2: Finance Executive Committee)

- SB 796** 4236B 94-2910
allowing the state board of education to solicit funds to implement character and citizenship education. (J. King, Dist 18; MacDonald, Dist 3: Education)
- SB 797** 4330B 94-2916
requiring the judiciary to purchase recycled paper products and repealing the ability of state agencies to be exempt from the purchase of recycled paper products. (Russman, Dist 19; Shaheen, Dist 21; Barnes, Dist 17; A. Merrill, Straf 8; J. Bradley, Carr 8; Burnham, Ches 8; Gilmore, Straf 11: Environment)
- SB 798** 4218B 94-2917
increasing the exemption amount from attachment and execution for certain personal property. (J. King, Dist 18: Judiciary)
- SB 799** 4248B 94-2919
eliminating straight ticket voting on the ballot. (J. King, Dist 18; Hollingworth, Dist 23: Public Affairs)
- SB 800-FN** 4355B 94-2925
relative to the child protection act. (Shaheen, Dist 21; Delahunty, Dist 22; Hollingworth, Dist 23; Baldizar, Dist 12; Record, Hills 27; Holden, Hills 14; Cole, Ches 11; Bean, Graf 14: Judiciary)
- SB 801-A** 4301B 94-2930
making an appropriation to the department of transportation equipment inventory fund. (Shaheen, Dist 21; MacDonald, Dist 3; Hough, Dist 5; Roberge, Dist 9; G. Chandler, Carr 1; Schotanus, Sull 3; LaMott, Graf 5: Transportation)
- SB 802** 4411B 94-2932
relative to real estate appraisers. (Shaheen, Dist 21; W. King, Dist 2; Lundborn, Straf 18; Wall, Straf 9; Loder, Straf 8; Drolet, Hills 12; Dyer, Hills 8: Executive Departments and Administration)
- SB 803** 4234B 94-2936
relative to land surveyor licensing examinations and examination fees. (Baldizar, Dist 12: Executive Departments and Administration)
- SB 804** 4349B 94-2728
relative to property taxes for condominium units paid through condominium associations. (Pignatelli, Dist 13; Ham, Graf 4: Executive Departments and Administration)
- SB 805** 4489B 94-2778
reorganizing and making further amendments to the administrative procedure act. (Hollingworth, Dist 23; MacDonald, Dist 3; Currier, Dist 7; Rodeschin, Sull 4; Mercer, Hills 27: Executive Departments and Administration)
- SJR 1** 4417B 94-2934
proclaiming 1993-1994 as university of New Hampshire year. (Shaheen, Dist 21; Barnes, Dist 17; Hough, Dist 5; Blaisdell, Dist 10; W. King, Dist 2; A. Merrill, Straf 8; Kidder, Merr 2; Weeks, Merr 24; K. Wheeler, Straf 8; Burns, Coos 5: Education)
- SCR 10** 4413B 94-2834
to request Congress to allow all states to restrict the export of timber. (Currier, Dist 7; Russman, Dist 19; Whalley, Merr 5: Environment)

CACR 36

4402B

94-2802

Relating To: powers of state courts. Providing That: courts have no inherent powers and have only those powers specifically granted in the New Hampshire constitution and New Hampshire laws, and all rules of the court shall be subject to legislative approval. (Wheeler, Dist 11; Hemon, Straf 11: Judiciary)

CACR 37

4376B

94-2702

the governor's veto power. Relating To: the governor's veto power. Providing that: the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. (Colantuono, Dist 14; Wheeler, Dist 11; Barnes, Dist 17; Podles, Dist 16; Lovejoy, Dist 6; Roberge, Dist 9; Currier, Dist 7; S. Dowd, Rock. 13; R. Rosen, Belk. 7; D. Blake, Rock. 29; Hutchinson, Rock 29; Boucher, Rock 29; Bove, Rock 29; Daniels, Hills 13; S. Packard, Rock 29; Calawa, Hills 17; L. Jean, Hills 17; Lawton, Belk 1; F. Riley, Hills 44: Finance Executive Committee)

CACR 38

4470B

94-2918

Relating To: term limits for federal and state representatives. Providing That: the terms of office for the members of the United States Congress from New Hampshire and for the members of the New Hampshire house and senate shall be limited to 12 years. (J. King, Dist 18; Cohen, Dist 24; Shaheen, Dist 21; Hollingworth, Dist 23; Gilmore, Straf 11: Public Affairs)

Recess.

Out of recess.

HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of hearing an address by his Excellency, Governor, Stephen Merrill.

RESOLUTION

Senator Blaisdell moved that it be Resolved, to meet with the House of Representatives in Joint Convention for the purpose to hear the Governor, the honorable Stephen Merrill give the State of the State Address.

Adopted.

In recess for Joint Convention.

Out of recess.

HOUSE MESSAGE

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

HB 1577, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon.

SUSPENSION OF THE RULES

Senator W. King moved that the Rules of the Senate be suspended to dispense with referral to committee, the holding of a hearing, the notice of a committee report in the calendar, and that **HB 1577**, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a

\$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon, be put on Second Reading at the present time.

Adopted by the necessary 2/3 vote.

SUSPENSION OF THE RULES

Senator W. King moved that the rules be suspended to put **HB 1577**, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon, on Third Reading and Final Passage at the present time.

Adopted by the necessary 2/3 vote.

Third Reading and Final Passage

HB 1577, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon.

ANNOUNCEMENTS

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that we be in recess for enrolled bills reports and amendments and introduction of bills and referral to committees, that we then adjourn to the call of the Senate President.

Adopted.

LATE SESSION

Senator Currier moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to the Call of the Chair.

Adopted.

Adjourned to the Call of the Chair.

Out of Recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bill:

HB 1577, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon.

Senator Currier moved adoption.

Adopted.

LATE SESSION

Senator Delahunty moved to adjourn.

Adopted.

Adjournment.

January 20, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

Today is George Burns' ninety-eighth birthday. Under the right conditions, it is a wonderful thing to live long. It is an even more wonderful thing to live well. Serving long in public office may or may not be a wonderful thing. It all depends on how well you do it for us. Please remember, not one of you was elected to be a politician. You were elected to make choices, carefully and well, whether your time here is long or whether it is short. So, happy birthday, George.

O God, whose term is thankfully limitless, lift the vision of each senator here high enough today that they might see beyond the boundaries of their own opinions, but keep their feet fixed firmly enough on the ground of your reality that they might not suffer the effects of cloud headedness in the things they decide. Amen.

Senator Fraser led the Pledge of Allegiance.

INTRODUCTIONS

COTTON CLEVELAND: Thank you, Senator Hough, and thank you to each of you, Senators, for the two years of support that you have given to this still new program, Leadership New Hampshire. Leadership New Hampshire, as some of you recall, came out of a recommendation from the Governor's Commission on New Hampshire in the Twenty First Century to expand the pool of talented leaders from around the state, not only at the regional level, but that would be willing to take on state wide responsibilities similar to the ones that you have taken on in the Senate. We meet 12 or 13 times during the year to discuss a wide variety of public policy issues. Before you, you have the second class of Leadership New Hampshire. We are in our second year. They are from all over the state and they are from a wide range of disciplines. We have people from the nonprofit sector and from the public sector. In fact, you can see that we have either current or former legislators as well as political aspirants and we also have business leaders. The idea is to bring them all together during the year so that they will understand one another's disciplines better and go back to their regions re-inspired not only to give at the local level but to become New Hampshire community leaders. We will be writing to you soon because next year of course we will need a third class, so we hope that you will decide that you would like to join our program or maybe give us nominations for next year. Senator Hough and Speaker Burns and we have a variety of other political and media figures that we will be talking with over the next few days. We look forward to talking with you all over the years. Thank you.

1994 Listing of Senate Staff

Pat Waldvogel	Administrative Assistant to Finance Division Appropriations; Capital Budget; Finance Executive
Jennifer Degnan	Special Assistant to the Finance Division
Carol Pletcher	Supervisor, Committee Secretaries Executive Departments & Administration; Transportation

Woody Ellen Alosa	Committee Stenographer Environment; Ways and Means
Rachel Berger	Committee Stenographer Interstate Cooperation; Wildlife & Recreation
Jeanne Geiman	Committee Stenographer Banks; Judiciary
Rosalie Brooks-Patch	Committee Stenographer Education; Public Institutions, Health & Human Services
Terri Pennock	Committee Stenographer Economic Development; Insurance
Katryn Vogt	Committee Stenographer Public Affairs
Kathe Lewis	Correspondence Secretary
Susan Gagne	Correspondence Secretary
Nancy O'Brien	Research Clerical Assistant
Steve Maviglio	Legislative Assistant
Melinda Dupre	Legislative Aide
Jonathan Page	Legislative Aide
Andrea Durkin	Legislative Aide

1994**UNH Student Interns**

Alan Baumann, Jr.	Sen. Lovejoy
Matthew Bart	Sen. Lamirande
Jason Sullivan	Sen. Wheeler
Danielle Evans	Sen. McLane
Liz Fletcher	Sen. Shaheen & Sen. John King
Julie Fothergill	Sen. Fraser
Daniel Glotzer	Attorneys Greg Smith & Ellen Arnold
Stephen Hazelton	Sen. Barnes & Sen. MacDonald
Richard Khleif	Sen. Wayne King
Leonard Prescott, IV	Sen. Cohen
Johnathan Dalton	Sen. Colantuono
Victoria Wajda	Sen. Hollingworth & Sen. Blaisdell
Rebecca Walldorff	Sen. Baldizar
Miriam Withers	Sen. Bourque

St. Anselm Student Intern

Michele Watson	Senate Research
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Rivier College Student Intern

Elaine Rapp	Senate Research
-------------	-----------------

Concord Tech

Kristin Tupper	Senate Research
Neil Levesque	Administrative Asst. to Sen. Currier
Richard Daryl Gibbs	Intern for Sen. Currier from NH College
Vivian Dunham	Administrative Asst. to Sen. Colantuono

Senator Roberge is excused for the day.

MOTION TO VACATE

Senator Podles moved to vacate SB 534 from the Judiciary Committee to the Committee on Banks and SB 662 to the Committee on Public Affairs.

SB 534, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens.

SB 662, to limit electioneering at polling places.

Adopted.

MOTION TO VACATE

Senator Delahunty moved to vacate SB 670 from the Insurance Committee to the Committee on Banks.

SB 670-FN, making technical corrections to the securities laws and relative to fees for securities registration.

Adopted.

MOTION TO VACATE

Senator Russman moved to vacate Senate Bill 745 from the Environment Committee to the Committee on Transportation and SB 756 to the Committee on Ways and Means.

SB 745-FN, relative to the maintenance of vegetation obstructing advertising devices.

SB 756-FN-A, relative to the definition of "gross receipts" for the calculation of the franchise tax.

Adopted.

MOTION TO VACATE

Senator MacDonald moved to vacate SB 755 from the Transportation Committee to the Committee on Environment.

SB 755-FN-A, allowing a business profits tax credit for alternative fuel vehicles.

Adopted.

MOTION TO VACATE

Senator Bourque moved to vacate SB 558 from the Public Affairs Committee to the Committee on Banks.

SB 558, relative to imposing late payment fees on retail credit customers.

Adopted.

MOTION TO VACATE

Senator J. King moved to vacate SB 667 from the Public Institutions, Health and Human Services Committee to the Committee on Judiciary.

SB 667-FN, relative to guardians ad litem appointed in child protection cases.

Adopted.

MOTION TO VACATE

Senator J. King moved to vacate SB 559 from the Public Institutions, Health and Human Services Committee to the Committee on Judiciary.

SB 559, relative to international adoptions.

Adopted.

MOTION TO VACATE

Senator Currier moved to vacate SB 589 from the Executive Departments and Administrations Committee to the Committee on Environment.

SB 589, relative to the powers of fiduciaries in environmental matters.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 149-FN, relative to land surveying by proprietorships, corporations or partnerships.

SENATE NONCONCURS

SB 149-FN, relative to land surveying by proprietorships, corporations or partnerships.

Senator Currier moved nonconcurrence and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Currier, Bourque and Colantuono.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 59, relative to the privacy act.

SENATE NONCONCURS

SB 59, relative to the privacy act.

Senator Podles moved nonconcurrence and requested a Committee of Conference.

Adopted.

Recess.

Out of recess.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Podles, Colantuono and Hollingworth.

COMMITTEE REPORTS

SB 99, an act relative to private charitable trust funds. Banks Committee. Inexpedient to legislate. Senator Fraser for the committee.

SENATOR FRASER: Mr. President, SB 99 was a re-referred bill. It is an act relative to private charitable trust funds. It would have allowed the transfer of private charitable trust funds to the New Hampshire Charitable Trust Foundation. The committee had re-referred the bill because of a problem that had come up with the New Hampshire Charitable Trust Foundation. Over the summer the sponsors of the bill decided not to pursue it, so we therefore report the bill out as inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 189, an act allowing the housing finance authority to issue guarantees of certain home mortgage loans to help provide housing security. Banks Committee. Inexpedient to legislate. Senator Fraser for the committee.

SENATOR FRASER: Mr. President, this once again is a re-referred bill. It was an act that would have allowed the Housing Finance Authority to issue guarantees of certain home mortgage loans to help provide housing security. It would have set up a fund that would have allowed the Housing Finance Authority to guarantee home mortgage loans similar to what the FHA and the other federal agencies do. The bill required a revolving fund to be started by private donations to be matched by the state. The committee felt that it was a good bill, but that the state did not have any money at this time and the contributions from the private sector might be hard to come by. The committee was unanimously reporting the bill out as inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

Senators W. King and Lamirande in opposition to the motion of inexpedient to legislate on SB 189.

HB 591-FN-L, an act authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card. Banks committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: HB 591 will authorize counties and municipalities to allow payment of local taxes, fees and other charges by credit card. This bill is enabling legislation for counties and towns to contract with banks and credit card companies to accept credit cards for payment of local taxes and fees such as dog licenses, personal property taxes on motor vehicles and even property taxes if the individual has credit available. Many individuals would prefer to pay for things on a credit card because they are better able to manage their money and the counties and towns would have immediate access to those fees that they are collecting. After doing research on this concept over the spring and summer, the committee has found that there is federal legislation in the works that would allow this and therefore, we recommend ought to pass.

SENATOR COLANTUONO: Under this program, would the town have to pay the same fee that it virtually has to pay to have the charge processed through the credit card company at two or three percent or whatever?

SENATOR BARNES: Leo, I believe that that is correct?

SENATOR FRASER: Could you repeat that, please?

SENATOR BARNES: They have to pay the same fee that other folks would have to pay on their card. The towns and the counties would have to pay the same amount on the credit cards as an individual is paying.

SENATOR FRASER: Yes, that is correct.

SENATOR BARNES: The answer to that question, Senator Colantuono, is yes.

SENATOR LAMIRANDE: The question that Senator Colantuono asked of Senator Barnes and Senator Fraser, there is another piece to that puzzle. The towns can also charge a fee for using a credit card so thereby they are reimbursed that way.

Adopted.

Ordered to third reading.

SB 536, an act relative to appropriations for the expansion of the port of Portsmouth. Economic Development committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: What SB 536 does is to try and clear up the confusion relative to the appropriations for the expansion of the port of Portsmouth. As you recall when we passed the Capital Budget in September it included \$1.8 million for mitigation at the Port of Portsmouth. That amount was much higher than estimated in the original appropriation for the expansion because of the permitting that was ultimately granted to the port. It required a lot more extensive mitigation than originally estimated. When we put that \$1.8 million into the Capital Budget, we wrote it so that it was very specific to allow only for mitigation. And what had happened was that in going forward with the project, the Port Authority had gone ahead and expended some funds from the original \$16 million in construction to do the mitigation. So therefore, we need to be able to use some of that mitigation money to go ahead and finish the construction. What this bill does is to just put it all into the same appropriation so that it all can be used for the expansion. I would urge ought to pass on this bill.

Adopted.

Ordered to third reading.

SB 136-FN-A-L, an act establishing the New Hampshire education innovation fund and making an appropriation therefor. Education committee. Inexpedient to legislate. Senator Disnard for the committee.

SENATOR DISNARD: The committee unanimously recommends inexpedient to legislate. The Committee on Education felt that it was an interesting concept and it has a great deal of merit. It had \$2 million for each year for 10 years, which is not available. But the committee also noted that while it had merit, it was an interesting concept, it had no support. No one spoke from the Principals Association, the Superintendents Association, the NEA of New Hampshire, the AFL-CIO units, the School Boards Association and we felt that that sent us a message.

Committee report of inexpedient to legislate is adopted.

Senator Russman in opposition to the motion of inexpedient to legislate on SB 136-FN-A-L.

HB 288, an act relative to teacher representation on the New Hampshire retirement system board of trustees. Education Committee. Ought to pass with amendment. Senator Lamirande for the committee.

4630B

Amendment to HB 288

Amend the title of the bill by replacing it with the following:

AN ACT
relative to membership on the New Hampshire retirement
system board of trustees.

Amend the bill by replacing all after the enacting clause with the following:

1 Membership on Board of Trustees. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of [13] **15** trustees. The bank commissioner shall be an ex officio voting member of the board but shall abstain from voting on the placement of funds in New Hampshire

banks. The governor and council shall appoint 2 trustees, to be known as non-member trustees, who shall be qualified persons with business experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified, except that the original appointment of one of the non-member trustees shall be for a term of one year. The remaining [10] **12** members of the board shall consist of [2] **3** employees, [2] **3** teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who serves on the insurance committee and who shall be appointed annually by the senate president, and one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire State Employees' Association, the New Hampshire Education Association, the New Hampshire Police Association, and the New Hampshire State Permanent Firemen's Association shall each annually nominate from their members a panel of 5 persons, all of whom shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall originally appoint 2 persons, and thereafter one annually to the board. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years, except that the original appointments of one of the persons from each panel shall be for a term of one year. ***The American Federation of Teachers and the American Federation of State, County and Municipal Employees shall each every 2 years nominate from their members a panel of 5 persons, all of whom shall be active members of the group I retirement system, no later than May 31 of that year, and the panels so named shall be filed with the secretary of state no later than June 10 of that year. From each of the above named panels the governor and council shall appoint one person, who shall serve for a term of 2 years.*** Each member so appointed shall hold office until his successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees. The chairman, the senate member, the house member, and the [4] **6** group I members shall constitute one subcommittee and the chairman, the senate member, the house member, and the 4 group II members shall constitute another subcommittee. Each subcommittee shall, relative to the members of their respective group, consider policy problems and make recommendations relative to the same to the board of trustees and make recommendations to the board of trustees concerning applications under the provisions of RSA100-A:6. For the purposes of transacting any business, [4] **5** members of a subcommittee shall constitute a quorum.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill adds 2 members to the New Hampshire retirement system board of trustees. The American Federation of Teachers and the American Federation of State, County, and Municipal Employees are each given membership on the board.

SENATOR LAMIRANDE: HB 288 as amended adds two members to the New Hampshire Retirement System Board of Trustees. One is from the American Federation of Teachers and one from the American Federation of State, County and Municipal Employees. Under current law, neither the AFT nor AFSCME, is permitted representation on the board despite large numbers of members who participate in the retirement system. The change will bring the total number of trustees from 13 to 15. The number of teachers will increase from two to three. The NEA will retain two seats and the AFTC will be guaranteed one. Similarly the State Employees Association will retain two trustee positions and the additional one will be reserved for AFSCME. These changes only affect the teachers and the public employees, the group one members which comprises 88 percent of the entire membership. There is no change to police and fire representation. The bill as amended addresses the issue of fairness and equality and equity in a reasonable manner and has earned the endorsement of all the affected parties including the AFT, the AFSCME, NEA New Hampshire and SEA. On behalf of the Education Committee, which voted unanimously in favor of the bill, I urge you to support the House Bill as ought to pass.

Amendment adopted.

Ordered to third reading.

SB 126, an act continuing the Lamprey regional solid waste cooperative. Environment Committee. Inexpedient to legislate. Senator W. King for the committee.

SENATOR W. KING: The committee recommends that this bill be inexpedient to legislate at the request of its sponsor.

Committee report of inexpedient to legislate is adopted.

SB 128, an act relative to forest conservation. Environment committee. Ought to pass with amendment. Senator MacDonald for the committee.

4130B

Amendment to SB 128

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the recodification of the forestry laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Forest Laws Recodified and Revised. The division of forests and lands, department of resources and economic development, shall work with the office of legislative services to submit to the president of the senate and the speaker of the house a report which shall:

I. Incorporate into a single title, where practicable, that part of existing law which relates to forestry.

II. Repeal laws which are no longer pertinent and correct any inconsistencies which may exist in current law relative to forestry.

III. Identify areas where existing law should be revised or expanded to ensure the proper protection of the forest resource.

2 Report. The division shall prepare its report in consultation with the senate environment committee, the house resources, recreation and development committee, and other interested parties. The division shall submit the report, in the form of proposed legislation, to the president of the senate and the speaker of the house no later than November 1, 1994.

3 Effective Date. This act shall take effect 60 days after its passage.

SENATOR MACDONALD: SB 128 was a re-referred bill that called for restrictions on what they called clear cutting of timber. You might say that it wasn't received very well by all parties concerned. So after reviewing it, we amended the bill to make it a study for the review and the update of the state forestry laws.

Amendment adopted.

Ordered to third reading.

SB 140, an act requiring the department of environmental services to design and propose a water use permit program for future implementation and making an appropriation therefor. Environment Committee. Inexpedient to legislate. Senator Russman for the committee.

SENATOR RUSSMAN: The committee voted this legislation inexpedient to legislate. I was opposed to that myself on the basis that it was a further example of how we should not be plan full of what we do in the future and that we will perhaps react someday when there is some problem with water, allotment of water difficulties. It is hard to believe it with all of this snow that we have on the ground right now. The committee voted inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

Senator Russman in opposition to the motion of inexpedient to legislate.

SB 184, an act imposing a surcharge on tipping fees at private solid waste landfills and continually appropriating a fund to the governor's office of energy and community services. Environment Committee. Inexpedient to legislate. Senator Lamirande for the committee.

SENATOR LAMIRANDE: SB 184 was introduced when the governor's budget called for the elimination of the State Recycling Office. The bill sought to fund recycling efforts with a surcharge on tipping fees for trash brought to incinerators. Fortunately, however, the budget that we adopted restored all the funding for the recycling office. For that reason and because of objections to this legislation from the DES and local solid waste district, we recommend the bill as inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 513, an act requiring the sweepstakes commission to use instant lottery tickets made from recycled materials. Environment Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: Yes, this bill was a request of a constituent of mine. The Sweepstakes Commission has moved in that direction of using recycled paper to their credit and they deserve credit for that. Matter of fact they are one of the first in the country to do that. This bill codifies it and sees that it continues. The pace has already been set and they are already looking into ways of expanding the use of it at this time. We would urge as a committee to vote ought to pass.

SENATOR BALDIZAR: Senator Russman, on the question of recycling, it occurred to me, are we recycling the winning numbers or the losing numbers?

SENATOR RUSSMAN: The losing numbers. They frame the winning numbers.

Adopted.

Ordered to third reading.

SB 524, an act relative to the rulemaking authority of the pesticide control board and the labeling of pesticides. Environment Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: Mr. President and members of the Senate, SB 524 is a request of the Department of Agriculture. It makes technical improvements in the state's labeling requirements for pesticides. The bill was supported by groups ranging from the Sierra Club to the Farm Bureau. The committee was unanimous in recommending passage.

Adopted.

Ordered to third reading.

SB 58, an act allowing multiple employers to consolidate employment and wage information for purposes of unemployment compensation contributions. Insurance Committee. Inexpedient to legislate. Senator Delahunty for the committee.

SENATOR DELAHUNTY: This bill was submitted on behalf of a constituent from Hanover. The bill was vigorously opposed by the Department of Employment Security and it was not considered to be a good bill. The constituent was contacted and after reviewing it and going over it with people, it was decided that this was not a good time for this bill and they agreed it should be inexpedient to legislate. So we urge you to vote inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 525, an act relative to medicare supplemental insurance. Insurance Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: SB 525 will bring New Hampshire into line with federal regulations concerning Medicare supplemental insurance. David Nichols of the Insurance Department testified that the state of New Hampshire does not currently comply with federal regulations at this time. This bill will give the Insurance commissioner the ability to regulate Medicare supplemental insurance without the federal government stepping in and taking control of regulations. We ask for your support of ought to pass.

Adopted.

Ordered to third reading.

HB 341, an act relative to a small employer insurance availability act and standardized medical benefits forms. Insurance Committee. Inexpedient to legislate. Senator Shaheen for the committee.

SENATOR SHAHEEN: HB 341 was a re-referred bill from last session. Essentially this was a bare bones insurance bill for small employers. There are several bills pending in this session that would make moot everything that was in 341. Our feelings were that conditions were changing so quickly that we should go ahead and go forward assuming that those bills were going to be passed and vote this one inexpedient, which is what we did.

Committee report of inexpedient to legislate is adopted.

SB 526, an act relative to risk retention groups not chartered in New Hampshire. Insurance Committee. Ought to pass. Senator Delahunty for the committee.

SENATOR DELAHUNTY: This bill was submitted by the Department of Insurance and supported by both the Department of New Hampshire Association of Domestic Insurance companies. Senator Fraser testified that the

bill merely makes a change in reference to bring the statute into compliance with federal law. We would appreciate your support of the committee's report of ought to pass.

Adopted.

Ordered to third reading.

SB 539, an act relative to "willing providers" and health insurance plans. Insurance Committee. Inexpedient to legislate. Senator Blaisdell for the committee.

Senator Delahunty moved to have SB 539 an act relative to "willing providers" and health insurance plans, laid on the table.

Adopted.

LAIID ON THE TABLE

SB 539, an act relative to "willing providers" and health insurance plans.

SB 550-FN, an act relative to fees for filing documents with the insurance department. Insurance Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: SB 550 increases the fees charged by the Insurance Department for filing certain documents. Based on the fact that it has been 25 years since they had any major increase, I think that we are going to show an increase in revenue for the state in the general fund of about \$1.2 million.

Adopted.

Ordered to third reading.

Senators Barnes, Colantuono, Lovejoy and Wheeler in opposition to SB 550.

SB 561, an act preventing certain retirement accounts from being pledged or accepted as pledges to secure obligations or indebtedness in financial institutions. Insurance committee. Ought to pass with amendment. Senator Hollingworth for the committee.

4591B

Amendment to SB 561

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting the right of setoff against an individual retirement account or a simplified employee pension.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Prohibition on Setoff. Amend RSA 515 by inserting after section 13 the following new section:

515:13-a Prohibition on Setoff. No individual retirement account or simplified employee pension, as such terms are defined in section 408 of the United States Internal Revenue Code of 1986, as amended, shall be subject to any setoff for debt or demand by any person, except as allowed by a court of competent jurisdiction in accordance with federal and state law.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill prohibits the right of setoff against an individual retirement account or a simplified employee pension.

SENATOR HOLLINGWORTH: Presently lenders can attach and execute against retirement plans which are not qualified for replacement of liens and the discharge of debts. When a lender makes a loan today they do not consider the possibility of attaching or executing on a person's retirement account. In the current economic situation that we live in, the government should support and encourage people to save for retirement and safeguard those funds. This bill, 561, provides this protection. It would encourage additional contributions by business people and safeguard those investments from lenders who do not consider the value of such assets at the time of the loan and now wish to access those funds due to credit loss. We would ask ought to pass with amendment.

SENATOR LAMIRANDE: Senator Hollingworth, what is this bill doing and saying? Is it saying that you can't pledge an individual retirement account for a loan, but in the same instant a bank could not offset any debt with that account?

SENATOR HOLLINGWORTH: These are the personal retirement funds like your . . . Currently you can't use those to borrow against. And they are saying that if you can't use them to pledge for a loan then why should they be able to go after them later if the individual is in debt. Currently the New Hampshire Banking Association supported it. This came about from a constituent of mine that felt that it was very important that we have that protection in place.

SENATOR LAMIRANDE: Would you believe that right now. You can't pledge any kind of a pension plan as an asset?

SENATOR HOLLINGWORTH: That is right.

SENATOR LAMIRANDE: That would be the purpose of the bill?

SENATOR HOLLINGWORTH: Correct.

SENATOR LAMIRANDE: Thank you.

SENATOR HOLLINGWORTH: I defer to Senator Lamirande.

SENATOR COLANTUONO: I just wanted to ask your expertise on this. Have you read the amendment on page six?

SENATOR LAMIRANDE: No, I haven't.

SENATOR COLANTUONO: I just want to know that. It doesn't take that long, if you look at it, if you believe that amendment does what the intent of the bill is, sufficient?

SENATOR LAMIRANDE: Okay, from what I am reading here in my experience in banking, you cannot pledge an account like an individual retirement account or any kind of pension account as security for a loan. What this bill is doing is it is saying that in the same instant you cannot attach that account as a debt. This is what I am reading in this amendment. You cannot use that for a setoff for a debt. You can't go back and say, "I want to charge so-and-so because he has \$30,000 in an IRA so we are going to take the money that they owe the bank out of that." This bill states that you cannot do that.

Amendment adopted.

Ordered to third reading.

SB 572-FN, an act relative to maximum benefit limitations under the New Hampshire retirement system. Insurance Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: Hi, I am standing on the floor of the Senate today and having a bill that is sponsored by Representative Kathleen Ward and I am making it ought to pass. SB 572 makes reference changes to the United States internal revenue code relative to the maximum benefits limitation under the retirement system. It would be a good thing for the retirement system and it is also sponsored by Senator Shaheen. Both of them are members of that group. Mr. Descoteau of the Retirement System testified that this bill protects the tax qualified status of the New Hampshire Retirement System. We ask that you support the committee's ought to pass motion.

SENATOR DISNARD: I am not familiar with those codes. Exactly what does this do?

SENATOR BLAISDELL: I would like to defer to Senator Shaheen who is on the board.

SENATOR DISNARD: I just want to know what is the limit, the maximum to or the percentage-wise of a salary, how does it work?

SENATOR SHAHEEN: Senator Disnard, this is a fairly complicated issue so I will try and repeat it accurately. Currently under the internal revenue code, 401:a-9 they have a requirement that if any member in a retirement system gets a benefit that is more than 100 percent of what they would have gotten had they been working, that that amount over 100 percent is an incidental benefit and the system would then lose its tax exempt status. Currently in group II, there is a provision that allows the spouse to get an automatic 50 percent upon death benefit. In which case, it means that some members in the system could get a benefit that is actually 150 percent of the retirement. That is the part that would put the system in noncompliance with the IRS code. What this is designed to do is to bring us back into compliance which would eliminate one of those benefits and preserve the tax exempt status of the system. I think that everybody agreed that the tax exempt status is very important to protect.

SENATOR DISNARD: Senator, does this say that someone that will be coming into the retirement system of New Hampshire, as an example of someone who is presently in the retirement system of New Hampshire cannot receive more than 100 percent of their weekly or monthly wage or whatever that is set up?

SENATOR SHAHEEN: The issue is for new people who would retire once this law is passed. It would not affect people currently in the system, is my understanding. It is called the 50 percent survivorship option was the term that I was looking for before.

SENATOR DISNARD: Thank you.

Adopted.

Ordered to third reading.

SB 574, an act relative to credit for reinsurance. Insurance Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: SB 574 is an act relative to credit for reinsurance. What this would do is to enable insurance companies to reinsure businesses not just unincorporated, but incorporated entities. It really is the result of changes of Lloyd's of London which used to have independent capital and they now are using corporate capital and this is a change that would allow insurance companies to tap into that corporate capital.

Adopted.

Ordered to third reading.

SB 641-FN, an act relative to group II retirement system membership for peace officers in the division of safety services. Insurance Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: What SB 641 would do is to put the Division of Safety Services within group II with respect to retirement benefits. This essentially applies to only two individuals, the Director of Safety Services and one other person would be added that has minimal fiscal impact on the retirement system. They have been trying for a number of years to get into group II. They have been authorized by the director of personnel as complying with all of the requirements for a permanent policeman which is the requirement for membership in group II. The committee felt that it was way past time when they should have been included in group II.

Recess.

Out of recess.

Adopted.

Ordered to third reading.

SB 63, an act relative to impoundment of motor vehicles in which an act of prostitution has occurred. Judiciary Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: Mr. President and members of the Senate, SB 63 was re-referred by the Judiciary Committee in an attempt to work out some language which would allow the city of Manchester, especially, and other municipalities, a way to deal with the problem of prostitution. The John bill passed last year has been having some effect on the prostitutional problem. With SB 63 the committee felt that the impoundment of a vehicle was unworkable for the crime of prostitute solicitation. The committee recommends inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 386, an act establishing a committee to study the district court system. Judiciary Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: HB 386 was introduced last year to study the district court system and recently the sponsor requested that the bill be inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 507-FN-LOCAL, an act increasing fees for bail commissioners. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: Mr. President and members of the Senate, SB 507 was introduced this year to the Judiciary Committee. All that it does is give the bail commissioners a raise in pay. Right now the bail commissioners receive a fee of \$15. And whenever they have to go into court to set bail for an individual charged with an offense, they are often called to come in during the middle of night and on weekends and on holidays. The only time that they actually get to charge this fee is when they actually set the bail to the individual. The expense of their vehicle, maintenance and gas is paid from those fees, which, by the way, are paid by the defendant and into the state. It has been several years now since they were granted a raise in the fee and this request seemed quite reasonable to the committee, so we recommend ought to pass.

SENATOR BARNES: Senator Podles, do you know that there is a registration fee for Bail commissioners?

SENATOR PODLES: I am not sure, Senator.

SENATOR DISNARD: Mrs. Chairman, that is a 2/3rd's, a 66 percent increase. What happens if one of these individuals is called down to set bail and there has been some type of a problem and there are ten or twelve people there that he has to set bail for? He will get an increase of 66 percent for each one under this?

SENATOR HOUGH (In the chair): Senator Disnard, I understood that you were rising to speak, not to ask a question.

SENATOR DISNARD: Yes, I was rising to speak, thank you. I think that this is unrealistic, would you believe it? Sixty-six and 2/3rds percent increase in one crack. This is unfair to the public. Some of these individuals may be called to set bail for a situation where there may be 10 or 20 individuals, so they're going to receive a 66 percent or 2/3rds increase each time that they do that? We wouldn't do this for our state employees. We wouldn't do this if we had employees in our own businesses if we had a business. I object to this.

SENATOR BLAISDELL: Senator Podles, I think that the question that Senator Disnard wondered about is what was the input, what was the testimony on this. Maybe you could answer some of the questions that Senator Disnard brought up?

SENATOR PODLES: The bail commissioners have to go in the middle of the night regardless of the weather, whether it is a Saturday or a Sunday or any day of the week. They have to wait a long time, this is what we have been told. And they get \$25 each time. That is the maintenance of the car and they have to pay for their own gas. They don't get any other expenses. We felt, the committee felt, that it was unanimous that it was a reasonable type of increase from \$15 to \$25. The last increase was about six years ago and that has changed. Everything is expensive, between gas and maintenance of the car. Some are women and they have to leave in the middle of the night even if it is 3:00 a.m.

SENATOR DISNARD: Senator, would you believe that I heard you say that a "66 percent increase was reasonable"? I hope that you consider that consideration when the state employees increases come along.

SENATOR HOUGH (In the Chair): Senator Podles, you don't necessarily have to answer that question.

Adopted.

Ordered to third reading.

SB 214-FN-L, an act requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief; and relative to appraisals for property tax purposes and establishing a study committee on property valuation. Public Affairs Committee. Ought to pass with amendment. Senator Pignatelli for the committee.

4095B

Amendment to SB 214-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief.

Amend the bill by replacing all after section 1 with the following:

2 Information Required on Tax Bill. Amend RSA 76:11-a to read as follows:

76:11-a Information Required.

I. The tax bill which is sent to every person taxed, as provided in RSA 76:11, shall show the rate for municipal, school and county taxes separately, the assessed valuation of all lands and buildings for which said person is being taxed, and the right to apply in writing to the selectmen or assessors for an abatement of the tax assessed as provided under RSA 76:16. The department of revenue administration shall compute for each town and city the rates which are to appear on the tax bills and shall furnish the required information to the appropriate town or city.

II. *The tax bill shall also contain a statement informing the taxpayer of the types of tax relief for which the taxpayer has the right to apply. The following statement shall be considered adequate:*

"If you are elderly, disabled, blind, a veteran or veteran's spouse, or are unable to pay taxes due to poverty or other good cause, you may be eligible for a tax exemption, credit, abatement or lien. For details and application information, contact (insert title of local assessing officials or office to which application should be made)."

This statement shall be prominent and legible, and may either be printed on the tax bill itself, or on a separate sheet of paper enclosed with the tax bill. A municipality may in its discretion choose to include more detailed information about the eligibility criteria for different forms of tax relief, provided, however, that the information in the above statement shall be considered a minimum.

3 Application. Sections 1-2 of this act shall take effect 60 days after its passage, provided, however, that in those municipalities for which compliance with RSA 76:11-a, II, as inserted by this act, will necessitate the design and printing of new forms for the tax bill, the requirements of that paragraph will not take effect until the municipality's supply or stock of the tax bill form in use on the effective date of this act has been exhausted.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 3 of this act.

AMENDED ANALYSIS

This bill requires municipalities to give notice to property taxpayers, as part of their tax bills, of their right to seek abatements, exemptions, credits, and liens.

SENATOR PIGNATELLI: This bill, SB 214 requires that municipalities give notice to property taxpayers as part of their tax bill of their right to seek abatement and exemptions and credit or liens.

SENATOR PODLES: Senator Pignatelli, are you aware that we have a study committee and that we just got through with that committee on property evaluation. Was the committee aware of that?

SENATOR PIGNATELLI: I think that we were. The bill no longer contains a study committee.

SENATOR PODLES: Oh, okay.

SENATOR J. KING: I think this bill here has to deal with tax bills and information be included on the tax bill. The study committee has been on tax abatement and other things and this is a separate thing. But this year most of the information will be right on the tax bill.

SENATOR MCLANE: I wanted to congratulate the committee on having finally figured out a way to pass this bill. Senator Lamirande and I put in the bill with all good intentions so that elderly people would be informed of their rights for tax abatements. We were turned down by the committee in the last session because of article 28:a in the constitution which says that, "the state cannot mandate a cost," and the price of one simple thin piece of paper was enough so that the committee turned us down. I think that the compromise that they have made which is to say that the notice of the tax liens, the rights to a tax lien for the elderly can go on the same piece of paper and they don't have to send it out until they have run out of their old pieces of paper is a magnificent compromise. We are very grateful.

Amendment adopted.

Ordered to third reading.

HB 280, relative to zoning requirements for family day care homes. Public Affairs Committee. Ought to pass with amendment. Senator Delahunty for the committee.

4594B

Amendment to HB 280

Amend the bill by replacing all after the enacting clause with the following:

1 Proof of Zoning Compliance Not Required. Amend RSA 170-E:6 to read as follows:

170-E:6 Applications; Compliance With Local Codes Required. Any person who intends to operate a child day care agency as defined in RSA 170-E:2, IV, shall apply for a license to operate one or more types of child day care agencies. Application for a license to operate a child day care agency shall be made to the department in the manner and on forms prescribed by rules adopted by the commissioner pursuant to RSA 541-A. Such forms shall provide for the names, birth names, birth dates, and addresses of all persons having responsibility for care of or regular contact with children at the agency. The applicant shall obtain approvals in accordance with state and local requirements pertaining to health, safety and zoning, as applicable. ***Family day care homes, defined in RSA 170-E:2, IV(a), located in a single family home in a residential or rural zone shall not be required to submit proof of zoning compliance.***

2 Operation of Family Day Care Home is Valid Residential Use. Amend RSA 672:1, V-a to read as follows:

V-a. The care of up to 6 full-time preschool children and 3 part-time school age children in the home of a child care provider makes a vital and significant contribution to the state's economy and the well-being of New Hampshire families. The care provided through home-based day care closely parallels the activities of any home with young children. Family based care, traditionally relied upon by New Hampshire families, should not be discouraged or eliminated by use of municipal planning and zoning powers or the unreasonable interpretation of such powers. ***The operation of a family day care home, defined in RSA 170-E:2, IV(a), shall constitute a valid residential use in single family homes for purposes of any local zoning regulation.***

3 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill exempts family day care homes located in single family homes in residential and rural zones from submitting proof of zoning compliance. Senator Delahunty moved that we have HB 280, an act relative to zoning requirements for family day care homes, laid on the table.

Adopted.

LAID ON THE TABLE

HB 280, an act relative to zoning requirements for family day care homes.

SB 90, an act relative to child support enforcement and child support payments. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator Podles for the committee.

4534B

Amendment to SB 90

Amend the bill by replacing section 1 with the following:

1 Payment of Child Support to the Division. RSA 161-B:4 is repealed and reenacted to read as follows:

161-B:4 Payment of Child Support to the Division.

I. Child support payments shall be made payable through the office of child support enforcement services of the division upon written notice by the director to a person responsible for the support of a dependent child or to a court or administrative agency having jurisdiction over such person that:

(a) The children for whom a support obligation exists are receiving or have received assistance pursuant to RSA 161 or RSA 167; or

(b) A person has applied for or is receiving support enforcement services under RSA 161-B:3, II, and such person has certified to the division that:

(1) The arrearage on the support obligation has accumulated to an amount equal to the support obligation for one month; or

(2) A court, pursuant to RSA 173 or otherwise, has issued a protective order enjoining a parent of a child from abusing or interfering with the liberty of the child's other parent, guardian, or legal representative, and that such order remains in full force and effect at the time the person applies for child support services.

II. Notice pursuant to paragraph I shall supersede any court or administrative order to the contrary. Any person who knowingly fails to comply with the requirement of such notice shall be guilty of a misdemeanor.

III. Nothing in paragraph I precludes the court, in its discretion, from ordering the payment of child support through the office of child support enforcement services of the division if the court finds upon the motion of any party that it is in the best interest of the child, obligee, or obligor to do so.

Amend RSA 161-B:9, I as inserted by section 2 of the bill by replacing it with the following:

I. In all cases in which child support obligations are payable through the division, the obligor shall inform the court which issued the support order in writing of any change of address within 15 days of the change.

Amend the bill by deleting section 4 and renumbering sections 5-10 to read as 4-9, respectively.

Amend the bill by replacing section 5 with the following:

5 Order to Withhold and Deliver. Amend RSA 161-C:12, II to read as follows:

II. The director may serve an order to withhold and deliver when[: a lien has been filed pursuant to RSA 161-C:10] ***a notice of debt has been served in accordance with RSA 161-C:7***, or 21 days have elapsed from the date [of service of a notice of debt under RSA 161-C:7 or] since a decision has been served under RSA 161-C:9. Service under this section may be made by law enforcement personnel or other agents authorized by the division.

Amend RSA 168-A:4, II(b) as inserted by section 7 of the bill by replacing it with the following:

(b) The division of human services, office of child support enforcement services, has been given notice of the proceedings. The court shall not issue an order related to support unless a certification is on file with the court or the division has filed an appearance. If no certification is on file, the court may, on its own, notify the division of the proceeding so as not to delay the issuance of an order.

Amend the bill by replacing sections 8 and 9 with the following:

8 New Paragraph; Notice to the Division. Amend RSA 458:17 by inserting after paragraph XI the following new paragraph:

XII. In any proceeding concerning the support of children, the parties shall certify to the court that:

(a) No aid to families with dependent children (AFDC) is being provided for any of the children; or

(b) The division of human services, office of child support enforcement services, has been given notice of the proceedings.

The court shall not issue an order related to support unless such certification is on file with the court *or the division has filed an appearance. If no certification is on file, the court may, on its own, notify the division of the proceedings so as not to delay the issuance of an order.*

9 Effective Date. This act shall take effect January 1, 1995.

Senator Delahunty moved that we have SB 90, an act relative to child support enforcement and child support payments, laid on the table.

Adopted.

LAID ON THE TABLE

SB 90, an act relative to child support enforcement and child support payments.

SB 226, an act relative to special number plates for reserve members. Transportation Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: This bill authorizes the Department of Safety to issue a special license plate to active reserves. This would be the same as what the National Guard has. This is a re-referred bill and we had two hearings and no one opposed the hearing. I do feel that we have to find another system to handle these plates. I have talked to the chairman of Transportation over in the House and he is working with the commissioner to try and find a way rather than the bills coming over here all of the time. So the committee felt that the bill be ought to pass. I would like to explain though that Senator Barnes didn't change our name plates this morning. He put mine on top and I don't feel that that was a payoff for this bill.

Adopted.

Ordered to third reading.

SB 238, an act permitting the transportation of manufactured housing which is up to 16 feet wide. Transportation Committee. Inexpedient to legislate. Senator Currier for the committee.

SENATOR CURRIER: This is a unique situation where during the interim study period the actual Department of Transportation in cooperation with the Department of Safety through Administrative Rules were able to actually conduct a test of this particular program and they found no significant problems and have actually implemented this program through Administrative Rules. As a result, there is no need for this current legislation; therefore, we urge the committee's report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 512-FN, an act authorizing a New Hampshire Pearl Harbor survivor special number plate. Transportation Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: You would think that after all of these years that there wouldn't be too many of them left, but when we had the hearing the room was packed. Most of these fellows are still in pretty good shape. So the members of the committee looked at them and we figured that we better do something for them. I think that it was the fastest hearing that we have had. We tried to do it like we used to do in the forties, fast and quick and they liked that part of it.

Adopted.

Ordered to third reading.

SB 542, an act increasing the penalty for certain automobile offenses. Transportation Committee. Ought to pass. Senator Currier for the committee.

SENATOR CURRIER: This was a very enlightening bill. It came before the Senate Transportation Committee, actually Tuesday, I believe it was. The testimony kind of indicated that you could steal a bicycle valued at \$900 and get charged with a class B felony, yet if you steal a \$25,000 to \$50,000 car it was only a misdemeanor. Basically this bill will take care of a situation that has come to light in the Nashua area where joy riding takes place. Well I guess that joy riding takes place in a lot of communities besides Nashua, Senator Pignatelli. But at any rate, it was the captain at the Nashua Police Department that testified that changing this law would help them in regard to defining what actually is mischievously taking a vehicle for a joy ride as opposed to taking it for the parts to be sold and so forth and establishing it as class B felony.

Adopted.

Ordered to third reading.

SB 563, an act exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals. Transportation Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: What this bill would do is to clarify an original intention of the law. You might probably refer to this part of the law as maybe being on the books a long time and being over looked. The intent of the law was to exclude motorcycles from the turn cycle requirement because federal law excluded them. The definition of a motor vehicle, however, includes motorcycles under the turn cycle requirement. I would point out that Mr. Hughes of the New Hampshire Motorcycle Rights Association testified that the bill would bring New Hampshire law into line with federal law which now doesn't require turn signals on motorcycles made before January 1, 1973. It was the intention of the committee as we urge you to vote ought to pass.

Adopted.

Ordered to third reading.

SB 592, an act relative to the display of expired motor vehicle plates. Transportation Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: What is happening nowadays is that you get a lot of people that are leaving their old plates, their special initial plates on the front of the car. At this time they don't have any way to remove them. It gets a little rough when you are driving down the road and you meet a

car with expired plates and you turn around and stop them and you find out that the back plate is valid. So what they want to do is have the ability at this point to ask the people to remove it. It is a violation, but when they first start it, they will just have the people remove the plates. A lot of these people are people that go to Florida and they register in Florida and they come back up here and they have old New Hampshire expired plates on. When it first happens they will be told to remove it, but it is a violation.

Adopted.

Ordered to third reading.

SB 594-FN, an act relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license. Ways and Means committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: This has to do with veterans' clubs and social clubs and rental halls and a special supplemental liquor license for the special events that are held there. There are three licenses. There is one for 18 events a year, 36 events a year and 52 events a year. We found that some of those smaller clubs towards the end of the year they run out of events. The 18 events they have used up. So they have worked with the Liquor Commission and they have agreed that they could, within 90 days before the annual license expires, they can request an extension and it would be safe for the 18, they could have nine more events for the remainder of that year and it would cost them half the price it would have cost them for a full year. In other words, it would be \$450 for the 18 events and then it would \$225 more. It's a money maker for the Liquor Commission and it is a helper for the clubs. We recommend ought to pass.

Adopted.

Ordered to third reading.

SB 538, an act establishing a state freshwater fish. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Disnard for the committee.

4622B

Amendment to SB 538

Amend RSA 3:19 as inserted by section 1 of the bill by replacing it with the following:

3:19 State Freshwater Fish. The Brook trout, *Salvelinus fontinalis*, is hereby designated as the official state freshwater fish.

AMENDED ANALYSIS

This bill establishes the Brook trout as the state freshwater fish.

SENATOR DISNARD: This is a very important bill for the school children in Nashua, New Hampshire. Not only did the Wildlife Committee unanimously approve of this bill, the state fish being the brook trout, but the students of this school in attendance also concurred with us. I would like to quote from a committee report of a remark by Senator Lovejoy and I hope that you will listen. "The brook trout stays near the surface and it doesn't hang around near the murky bottom of the water as New Hampshire rivers rise to the top. The brook trout is full of fight as are the people of New Hampshire. It is beautiful as is our state. Also, it has an independence and it doesn't move around with the crowd or in schools as other fish do. As New Hampshire is independant and doesn't follow the crowd necessarily but chooses its own way." I hope that you will think about this and vote with the committee as ought to pass with amendment.

SENATOR RUSSMAN: I guess that I rise in opposition to the bill itself. I mean this is the very thing that our constituencies think and I am obviously pro environment, but at the same time this type of a bill . . . I was in a coffee shop this morning and they were berating me for spending \$1500 a bill, on bills that don't have a lot of substance to them. I think that this is the type of thing that our constituency didn't send us up here to pick out these things like the state fish or the state bat or the state I don't know, the state motorcycle, I guess. I mean at some point . . . I guess you can do what you want with it, but at the same time, I think that this is just going to continue, to have these types of things to come in, the state this and the state that. I think that it is a waste of the taxpayers' money.

SENATOR MCLANE: Senator Russman, I have often heard this \$1500 figure thrown around, but do you realize that that is the cost of running the operation down there and if one bill were not put in, it would just mean that another few cents would go on every other bill. It is a rather specious argument. I believe to say that the printing of the bill costs \$1500. Do you agree?

SENATOR RUSSMAN: No, I don't, but thank you for your kind words. I must say that as a practical matter, perception in this game is everything. I think that the perception is out there that we spend a fair amount of times on bills that are not of substance and certainly this is one of them. I think that it . . . perhaps I am taking the position of the trout as being swimming against the current or going up stream or what have you, but at the same time, I think the reality of it is that in these economic times, I mean we can do it tongue and cheek, but at the same time I think that it is clearly not what our constituents send us here for.

SENATOR BALDIZAR: Senator Russman, I was proud to be the sponsor of that bill and I would like to ask you a question. What is the price that you would place or the value that you would place on a child's education?

SENATOR RUSSMAN: Well right now I am paying \$25,000 a year at American University, I know that much, for my son. We could start from there, I guess.

SENATOR BALDIZAR: Well I would just like you to know that the students in Nashua who participated in this process, I think, have learned a valuable amount about the legislature, the government, about the process which it gives us an idea and how it moves from one body to another in the Senate or the House or vice versa. I think that they have learned some valuable information. They have seen the process, they had an opportunity to speak at length with many of the elected members in our state. I think that it was a valuable opportunity. They are so delighted and thrilled that they . . . we all pass these booklets out that gives a little bit of history of the state when we have students that come to visit and come on the tours that we bring through. The fourth grade classes that study government. These kids will be delighted to know that they will take part in changing the course of history because in the back of that book we have designated the state flower and the state colors in our flag and how we chose that and other things. And if they are able to make an addition to that, they are very pleased to do that. I believe that that is a very valuable part of their education that they would not have had, had we not done this, and I just wonder if you would agree with that?

SENATOR RUSSMAN: Well thank you for your question. I have to admit that I think those school kids could get a perhaps more important lesson in other legislation that we pass here. The reality of it is that if every class

that came through had a state something, we would have a telephone book before long to look through as far as state what. So, I appreciate the nicety of it, if you will. There is no question about that. It is a nice thing to do on one level. But at the same time, I think that the perception is out there of what we do here. I don't want to waste any more of our time anyway, but I just can't agree with that type of thing.

SENATOR RUSSMAN: I defer to Senator Blaisdell.

SENATOR BLAISDELL: Senator Baldizar, I have to agree with something. I have sat here for 24 years and I have had bills legalize outdoor privies and I have seen another bill that Senator Hough and I talked about. They were going to prohibit stallions from running at large, I did amend that bill to include two state senators, but I won't say too much about that now. Who am I talking to anyway?

SENATOR HOUGH (In the Chair): You are speaking to Senator Baldizar.

SENATOR BLAISDELL: Senator Baldizar, can I talk to you, thank you. Would you believe, Senator, would you answer this? That hearing that I so graciously chaired for Senator Cohen for an hour with those young kids from Nashua, would you say that that investment really was worth it to be able to bring those children in and show them what we do in the legislature? I think that Senator Lovejoy was excellent. I think that Senator Wheeler was excellent. Senator Disnard was his usual self. Very nice by the way, very nice. But isn't that a great investment because maybe by looking at those children that I was looking at, from where I was sitting, that maybe we would get another Senator Baldizar or Senator Pignatelli to come to the legislature and serve this great state?

SENATOR BALDIZAR: Or another Senator Russman. I do agree wholeheartedly. That was another case that we talked about in that hearing with those children. I think that we might light some candles and we might have some future legislators. Maybe it is \$25,000 that you are throwing at education and I was delighted to throw \$1500 to the students in this state and I think that it was money well spent.

SENATOR LAMIRANDE: I would just like to say that if we have a state flower and a state bird, why not a state fish? And you may see us come back later in the future, Senator Russman, you may see the state insect. So don't be surprised. Oh, we already have one, excuse me.

SENATOR HOLLINGWORTH: I feel that poor Senator Russman is under attack here and I really have to say that I support him. I had a call last week from some students in Holderness and, in fact, I just went over and spoke to Senator King about this. They are coming down to Concord in a couple of weeks and they were elected in their class to select a bill that they were interested in following through the process. They are coming here to hear the debate and they are going to testify with the information that they have already got together on an actual piece of legislation. So I have to say that although I recognize what you are saying that it is important for students and there is an educational process, I think that there are other ways of doing it and I think that Senator Russman raises an important point. Although I do not want a censorship of what kinds of legislation that we can bring in, I think that he raises a very important point for us to take and consider when we are looking at legislation. Thank you.

SENATOR WHEELER: Senator Hollingworth, would you believe that this bill has an economic effect on New Hampshire? That this bill recognizing

the state brook trout would help us sell fishing licenses and bring people into the state to buy meals and to stay overnight and to pay our rooms and meals tax?

SENATOR HOLLINGWORTH: No, I don't believe it.

SENATOR LOVEJOY: May I point out that it is going to do a lot, also for the sale of earthworms; however, what I wanted to say, Mr. President, is that if I have learned anything in my brief tenure as a state Senator, it is that we get a lot of frivolous bills. I think that there are several in the calendar that I could apply the same argument to, but I didn't; however, I will say that if we have a state bug, the previous Senates have approved the state bug, the state bird, the state flower and I don't know whatever else, then certainly I found no harm approving the state fish as the brook trout and I can't think of a better fish than the brook trout. I would rate that right up there with the white birch which is the state tree because that is an important symbol. However, I kind of have the impression that that money or whatever it is, that \$1500 or whatever it is that we spend to introduce a bill has already been spent once it has come to the committee. Now if there was some way that I could get that back, then probably I would have something more to say at these committee hearings when these bills come in. But I would point out that if you truly believe that we have too many bills facing us, then I think that somewhere along the line we are going to be looking back at biennial sessions and that might be a way of cutting it down.

SENATOR LAMIRANDE: Senator Lovejoy, would you believe that I think that we ought to vote on this before it starts to smell?

SENATOR LOVEJOY: I think that we should.

Amendment adopted.

Ordered to third reading.

Senator Russman in opposition to SB 538.

SENATOR HOUGH: This is your second day in session, but my first. I am pleased to join with you all again in serving the people of New Hampshire. We begin this session with a distinguished record of achievement. A year ago I told you that we would succeed by working together. And that we would be remembered for our successes, not our differences. We overcame our differences to accomplish the most significant and comprehensive reform of our tax structure in the past 20 years. And we sustained the Senate's commitment to economic development by refining and expanding tax incentives for growing businesses. We laid the foundation for comprehensive reform of workers' compensation. Yesterday our efforts were rewarded by the introduction of legislation that will improve the operation and reduce the cost of workers' compensation. Few initiatives will do more to enhance our business climate and stimulate economic growth. We crafted an operating budget which met the needs of our government and our people without significantly increasing tax burdens, and actually lowering some tax rates. In particular, we increased revenue sharing to cities and towns by \$10 million. We crafted a capital budget which made essential investments, especially at the University of New Hampshire, without imprudently adding to our indebtedness. We achieved a great deal. I am proud to preside over a Senate that overcame its political and philosophical differences to pursue sound and responsible public policies. This year, the most important issues on our agenda — workers' compensation reform, health care reform and the future of the Pease Development Authority — are opportunities for consensus and achievement. We have been asked to fast track the recommendations of the Workers' Compensation Cost Study Committee. In fact, the process

got underway yesterday with a joint hearing. This legislation has the support of all the diverse interests which will be affected by it as well as the support of the Governor and legislative leadership. Governor Merrill and Commissioner Bird have prepared a thoughtful proposal to address health care. And the Senate has offered legislation which complements this proposal. The time has come to make health care more efficient, less expensive and more accessible. The development of the Pease International Tradeport has reached a crossroads. The authority has exhausted its original bonding capacity just when the board has begun giving greater direction and purpose to the redevelopment effort. The board envisions a greater role for research and development in partnership with the University of New Hampshire. This vision originated in the Senate. This year we must set the course for the future Pease. Finally, we cannot overlook the Supreme Court's ruling in the education funding suit. This decision will have profound effects on all the people of New Hampshire for generations to come. The Supreme Court affirmed that the Constitution imposes an obligation on the State to provide for the proper education of every child and to assure sufficient funding to fulfill this obligation. And the Court ruled that "a free public education is at the very least an important, substantive right" enjoyed by every child. As you know, I filed a brief in support of the plaintiff school districts asserting the position upheld by the Supreme Court. I was not surprised by the court's decision. Nor was I surprised to find that the Supreme Court reminded the Governor and the Legislature of their responsibility to fulfill the state's obligations and honor the children's right. The ruling by the Supreme Court simply affirmed principles I have cherished throughout my career as a legislator. I am prepared today, as I have been in the past, to do all I can to resolve the issues posed by this litigation. This ruling has aroused a great deal of controversy. But, the full implications of the ruling are still far from clear. Although the issue cannot be resolved without open and frank debate, until we have a better sense of how we intend to proceed, I have no intention of letting this controversy distract us from the agenda before the Senate. Let me say again, we will be remembered for our achievements, not our differences. The pressures of an election year tend to provoke conflict rather than promote consensus. I hope this Senate will remain mindful of the sources of its strength and success and not allow the temptations of political ambition and partisan rivalry to threaten our responsible and productive pursuit of the people's business. As so many of us have said so often, the Senate succeeds when we disagree without being disagreeable. I look forward to the successes we will share during this session. Thank you.

ANNOUNCEMENTS

SENATOR HOUGH (In the Chair): If I could give you a status report. We disposed of 18 bills today out of 89 bills that have had the required public hearing. There are the 17 re-referred bills left and we have potential of disposing of 88 bills on February 3. And if we were to do that, we would still have 220 bills in our possession. Next, well if the arithmetic isn't correct, it is the Clerk's fault. But the point should be this: Obviously we all take our work very seriously and there are bills in committee that aren't ready to be acted upon. But there also are a number of bills that one could assume that could be acted upon. And if we can start to begin to move certain pieces of legislation, it will allow us to work towards our time tables that have been set. Next week there will not be a session day and there will be committee hearings and committee work all of next week. We also want to be able to respect the membership of the committees while we are taking executive action. I would hope that there would be a commitment by every member to respect their fellow members and we could be committed to a sense of fair-

ness in all instances. We know what the work is before us and there are always conflicts as we move forward, but if we can accomplish as much work as we have today and we have had at least one cancellation day, I think that we can approach the February break in reasonably good fashion. As we move forward, if we have to reassess our situation we certainly will have an open discussion of that, but we have a very significant number of bills left and again, 71 of them are the net number that have public hearings today. I would hope that we could start to move some of those. I am sure that by February 3, the number will be greatly increased.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, February 3, at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

SB 128, relative to the recodification of the forestry laws.

SB 214, requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief.

SB 226, an act relative to special number plates for reserve members.

HB 288, an act relative to teacher representation on the New Hampshire retirement system board of trustees.

SB 507-FN-LOCAL, an act increasing fees for bail commissioners.

SB 512-FN, an act authorizing a New Hampshire Pearl Harbor survivor special number plate.

SB 513, an act requiring the sweepstakes commission to use instant lottery tickets made from recycled materials.

SB 524, an act relative to the rulemaking authority of the pesticide control board and the labeling of pesticides.

SB 525, an act relative to medicare supplemental insurance.

SB 526, an act relative to risk retention groups not chartered in New Hampshire.

SB 536, an act relative to appropriations for the expansion of the port of Portsmouth.

SB 538, an act establishing a state freshwater fish.

SB 542, an act increasing the penalty for certain automobile offenses.

SB 550-FN, an act relative to fees for filing documents with the insurance department.

SB 561, prohibiting the right of setoff against an individual retirement account or a simplified employee pension.

SB 563, an act exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals.

SB 572-FN, an act relative to maximum benefit limitations under the New Hampshire retirement system.

SB 574, an act relative to credit for reinsurance.

HB 591-FN-L, an act authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card.

SB 592, an act relative to the display of expired motor vehicle plates.

SB 594-FN, an act relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license.

SB 641-FN, an act relative to group II retirement system membership for peace officers in the division of safety services.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Thursday, February 3, at 1:00 p.m.

Adopted.

Adjournment.

February 3, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

When you scrabble and when you scramble, remember whose fortunes with which you do gamble. The people who chose you can un-choose you, too, if vision and courage is not what you do. So develop this economy and business bring in, but not just because there are elections to win. Rather argue and arm twist, then vote what is right and respect you and thank you and praise you, we might. Listen carefully to each other for there's wisdom to spare. But if you think you've cornered it, then there's cause for despair. So Junie and Beverly, so Barbara and Sue, Rick, Carole and Sheila and John King, Wayne too, and David and Tom, George and Jack on the right, Ken, Tom, Burt and Jeanne and Ann, lead the fight; Leo and David and Debbie, you too, and Eleanor, George and Joe, all of you. With big Ralph up front, your mission, I observe, is to use your great power naught but to serve. Please don't forget that. Great God, bless the Senate. *Amen*

Senator Lovejoy led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bill:

HB 591, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card.

Senator Currier moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives has passed the following Bill with the following title, in the passage of which it asks the concurrence of the Senate:

HB 1579-FN-A-Local, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.

INTRODUCTION OF HOUSE BILLS

Senator Delahunty offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House bills numbered 1579 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

First and Second Reading

HB 1579-FN-A-Local, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.

Adopted.

SUSPENSION OF THE RULES

Senator Delahunty moved that the Rules of the Senate be suspended to dispense with the holding of a hearing, the notice of a committee report in the calendar, and that HB 1579 be put on Second Reading at the present time.

HB 1579-FN-A-Local, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.

Adopted by the necessary 2/3 vote.

SUSPENSION OF THE RULES

Senator Delahunty moved that the rules be suspended to put **HB 1579** on Third Reading and Final Passage at the present time.

HB 1579-FN-A-Local, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.

Adopted by the necessary 2/3 vote.

Third Reading and Final Passage

HB 1579-FN-A-Local, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.

COMMITTEE REPORTS

SB 549, an act relative to loans made by a bank to its officers, directors, trustees, or principal shareholders. Banks Committee. Ought to pass with amendment. Senator Baldizar for the committee.

4808B

Amendment to SB 549

Amend the title of the bill by replacing it with the following:

AN ACT

relative to loans made by a bank to its executive officers,
directors, or trustees.

Amend the bill by replacing all after the enacting clause with the following:

1 Regulation of Loans to Executive Officers and Others. Amend RSA 384:15 to read as follows:

384:15 Loans to Executive Officers and Others. Loans may be made by state chartered banks, savings banks, trust companies, building and loan associations or cooperative banks to executive officers, directors or trustees thereof, and such officers, directors or trustees may be accepted as surety, endorser or guarantor upon such loans only by unanimous approval in writing of those members of the board of directors or trustees present at the meeting at which such approval is given, provided there is at least a quorum of the board present exclusive of the director or trustee to whom the loan is to be made. The limitations of this section shall not apply to loans secured by assignment of passbook or other evidence of deposit account, *or to loans approved in conformity with the provisions of Federal Reserve Board Regulation O, as adopted by the Board of Governors of the Federal Reserve System, or as adopted by reference by the*

Federal Deposit Insurance Corporation, as such regulation now exists, or is amended from time to time. Loans made under this section shall be on terms not more favorable than those afforded other borrowers.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows a New Hampshire bank the option of complying with either federal or state law relative to the prior approval of loans made to its executive officers, directors, trustees or principal shareholders. State law requires the unanimous approval of the members of the board of directors present at the meeting at which the approval is sought. Federal law requires approval by the majority of the entire board.

SENATOR BALDIZAR: I move the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 564, an act relative to authentication of municipal and county bonds. Banks Committee. Ought to pass with amendment. Senator Baldizar for the committee.

4781B

Amendment to SB 564

Amend the bill by replacing section 1 with the following:

1 Authentication Signature by Notary Public or Justice of Peace Permitted. Amend RSA 33:11 to read as follows:

33:11 Authentication of Bonds. All bonds issued under authority of this chapter shall bear an authenticating certificate signed by an authorized officer of a bank or trust company doing business in the state of New Hampshire or in the commonwealth of Massachusetts, or by the commissioner of revenue administration, ***or by a notary public or justice of the peace.*** The authenticating certificate endorsed upon such bond shall identify such bond as being one of the particular issues described therein, shall certify the genuineness of the signatures and the seal, if any, thereto affixed and shall state the name of the attorney or attorneys who rendered an opinion approving the legality of such issue. A signed copy of such legal opinion shall be furnished to the commissioner of revenue administration within 10 days after the bonds are delivered to the purchaser thereof. The provisions of this section shall not apply to bonds or notes issued to secure a principal sum of \$17,000 or less when the bonds or notes are payable over a period not exceeding 5 years from the date of issue.

AMENDED ANALYSIS

This bill permits an authenticating certificate for a municipal or county bond to be signed by a notary public or justice of the peace.

SENATOR BALDIZAR: I move the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 590, an act relative to the investment of trust funds by banks in affiliated investments. Banks Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: Mr. President and members of the Senate, the purpose of SB 590 is to authorize banks and other corporate fiduciaries acting

as a trustee to invest in securities or mutual funds which the institution provides investments, advisory or other services. In the absence of legislation such as this bill, the federal banking regulators have questioned whether a conflict of interest may exist where a bank fiduciary invests clients funds' in a mutual fund where the bank or its affiliates serves in one of these capacities. Mr. President, I wanted to be sure that everyone in the body understood that this is a bill that we had an extensive hearing on and it was unanimously adopted. In the bill itself, there are all kinds of disclosure requirements before such a thing could happen, but I wanted to put it on the record and I urge that it be adopted.

Adopted.

Ordered to third reading.

SB 504-FN-A, an act relative to funding for state literacy programs and making an appropriation therefor. Education Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: In 1988 the New Hampshire legislature passed the landmark piece of legislation relative to literacy instructions and drop-out prevention. The bill called for two primary components, the identification of the literacy level of students at their first entry into school and the provision of literacy developmental or early intervention instructional programs to students during the primary grades. Although the intent of the bill was to fund literacy programs, the past statute was not completely funded. In fact, the part of the bill that had no funding is RSA 189:54, relative to literacy instructions in grades K through 12. SB 504 appropriates money to the Department of Education to fund the literacy program set up under RSA 189:53 and 54. This bill will see that literacy programs are sufficiently funded. The committee requests the Senate's support in the passage of SB 504 and that it be sent to the appropriate Finance Committee.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 225, an act relative to shoreland protection. Environment Committee. Ought to pass with amendment. Senator Pignatelli for the committee.

4687B

Amendment to SB 225-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Duties; Reference Added. Amend RSA 483-B:2, XI to read as follows:

XI. Preserve the state's lakes, *rivers*, estuaries and coastal waters in their natural state.

2 Definition Modified. Amend RSA 483-B:4, X to read as follows:

X. "Municipality" means a city, town, village district if specifically authorized to zone by the legislature, or county in respect to unincorporated towns or unorganized places *or any combination thereof pursuant to RSA 53-A*.

3 Reference Changed. Amend RSA 483-B:4, XV to read as follows:

XV. "Protected shoreland" means, for natural, fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies, and for coastal waters and rivers, all land located within 250 feet of the [public boundary] *reference* line of public waters.

4 Term Modified. Amend the introductory paragraph of RSA 483-B:4, XVII to read as follows:

XVII. "[Public boundary] **Reference** line" means:

5 Definition Modified. Amend RSA 483-B:4, XVII(c) to read as follows:

(c) For coastal waters, [the mean high tide established by the U.S. Coastal and Geodetic Survey] ***the highest observable tide line, which means a line defining the furthest landward limit of tidal flow, not including storm events, which can be recognized by indicators such as the presence of a strand line of flotsam and debris, the landward margin of salt tolerant vegetation, or a physical barrier that blocks further flow of the tide.***

6 Reference Deleted. Amend the section heading of RSA 483-B:5 to read as follows:

483-B:5 Enforcement by Commissioner; Duties; Woodland Buffer[; Forest Inventory Plans].

7 Reference Changed. Amend RSA 483-B:9, II(b) to read as follows:

(b) Primary structures shall be set back behind the primary building line. This line shall initially be set back 50 feet from the [public boundary] **reference** line. Upon the establishment of a shoreland building setback by a municipality, that standard, whether greater or lesser than 50 feet, shall define the primary building line in that municipality.

8 Use of Fertilizer. Amend RSA 483-B:9, II(d) to read as follows:

(d) No fertilizer, except lime and wood ash, shall be used on ***lawns or areas with grass on*** residential properties.

9 Reference Changed. Amend RSA 483-B:9, IV-c and IV-d to read as follows:

IV-c. An existing solid waste facility which is located within 250 feet of the [public boundary] **reference** line of [protected] **public** waters under this chapter may continue to operate under an existing permit, provided it does not cause degradation to an area in excess of that area under permit.

IV-d. No solid waste facility shall place solid waste within 250 feet of the [public boundary] **reference** line of [protected] **public** waters under this chapter except as expressly permitted under RSA 483-B:9, IV-c. However, any solid waste facility may be allowed, subject to permitting conditions under RSA 149-M:10, to erect accessory structures and conduct other activities consistent with the operation of the facility within 250 feet of the [public boundary] **reference** line of [protected] **public** waters under this chapter, such as filling, grading and installing monitoring wells and other drainage structures as is consistent with its solid waste permit as issued by the department of environmental services. Under no circumstances shall the toe of any slope encroach within 150 feet of the [public boundary] **reference** line.

10 Reference Changed. Amend RSA 483-B:9, V(a)(1) to read as follows:

(1) Where existing, a natural woodland buffer shall be maintained within 150 feet of the [public boundary] **reference** line. The purpose of this buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

11 Reference Changed. Amend RSA 483-B:9, V(a)(2)(E) to read as follows:

(E) Stumps and their root systems which are located within 50 feet of the [public boundary] **reference** line shall be left intact in the ground.

12 Shoreland Protection Standards; Reference Removed. Amend the introductory paragraph of RSA 483-B:9, V(b)(2) to read as follows:

(2) The following conditions, based on the characteristics of the receiving soil as they relate to U.S. Department of Agriculture, soil conservation service drainage classes, shall dictate the setback requirements for all new [septic tanks and] leaching portions of new septic systems, as follows:

13 References Changed. Amend RSA 483-B:9, V(b)(2)(A)(i)-(iii) to read as follows:

(i) Where the receiving soil downgradient of the leaching portions of a septic system is a porous sand and gravel material with a percolation rate faster than 2 minutes per inch, the setback shall be at least 125 feet from the [public boundary] *reference* line;

(ii) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the [public boundary] *reference* line; and

(iii) For all other soil conditions, the setback shall be at least 75 feet from the [public boundary] *reference* line.

14 Shoreland Protection Standards; Department Authority Over Development Changed. Amend RSA 483-B:9, V(d)(2) and (3) to read as follows:

(2) For projects in areas dependent upon on-site sewage and septic systems, the total number of residential units in the protected shoreland, whether built on individual lots or grouped as cluster or condominium development, shall not exceed one unit per 150 feet of shoreland frontage. [Development outside the protected shoreland shall conform to local zoning and shall not be subject to standards established in this chapter.]

(3) Lots in areas serviced by municipal sewers shall conform to municipal minimum lot standards, and shall not be subject to any shoreland [and] frontage requirement, except as provided by municipal standards.

15 Shoreland Development Permit; Restriction Removed. Amend RSA 483-B:10, I to read as follows:

I. Except when otherwise prohibited by law, present and successive owners of an individual undeveloped lot may construct a single family residential dwelling on it, notwithstanding the provisions of this chapter. [The owner of such a lot in seeking a shoreland development permit shall submit a development plan to the commissioner or designee showing compliance with the intent of this chapter to the maximum extent feasible.] Conditions may be imposed which, in the opinion of the commissioner, more nearly meet the intent of this chapter, while still accommodating the applicant's rights.

16 Section Heading Reference Removed. Amend the section heading of RSA 483-B:11 to read as follows:

483-B:11 Nonconforming Structures[; New Primary Structures].

17 Nonconforming Structures; References Added. Amend RSA 483-B:11, I to read as follows:

I. Except as otherwise prohibited by law, pre-existing *nonconforming* structures located within the protected shoreland may be repaired, improved, or expanded. An expansion that increases the sewerage load *to an on-site septic system*, for example, additional bedrooms, shall require approval by the department. Between the primary building line and the [public boundary] *reference* line, no alteration shall extend the structure closer to the public water, except that the addition of an open deck or porch is permitted up to a maximum of 12 feet towards the [public boundary] *reference* line.

18 Reference Changed. Amend RSA 483-B:17, IV to read as follows:

IV. Procedures and criteria for the placement of small accessory structures such as storage sheds and gazebos, the size, placement, and construction of which is consistent with the intent of this chapter, between the [public boundary] *reference* line and the primary building line.

19 Penalties; Municipalities Authorized to Bring Suit. Amend RSA483-B:18, III(a) to read as follows:

(a) Upon petition of the attorney general *or of the municipality in which the violation occurred*, the superior court may levy upon any person violating this chapter a civil penalty in an amount not to exceed \$20,000 for each day of each continuing violation. The superior court shall have jurisdiction to restrain a continuing violation of this chapter, and to require remediation.

20 Repeal. The following are repealed:

I. RSA 483-B:4, IX, relative to the definition of "major project".

II. RSA 483-B:5, III, relative to forest inventory plans.

21 Appropriation. The sum of \$92,000 is appropriated to the department of environmental services, for the fiscal year ending June 30, 1995, for the purpose of implementing RSA 483-B. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

22 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Clarifies, corrects references and eliminates duplication to reflect amendments enacted in 1992.

II. Defines "mean high tide" according to current usage by the wetlands board.

III. Specifies where the use of fertilizers is prohibited.

IV. Substitutes the term "reference line" for "public boundary line."

V. Makes septic tank setback requirements consistent with existing sub-surface sewage disposal rules.

VI. Appropriates \$92,000 from the general fund to the department of environmental services to implement RSA 483-B.

SENATOR PIGNATELLI: SB 225 is a re-referred bill but actually it dates back to 1991 when it was first passed by the Senate. In fact, the shoreline protection act originally was introduced then by Governor Gregg and set out an ambitious program to protect the water quality of New Hampshire's lakes. A committee that included realtors, home builders and municipal officials hammered out a balanced approach to insuring that our state's crown jewels, our lakes and rivers, are protected. The Environment Committee amendment before you today, essentially is a technical one and clarifies some of those policy provisions. It ensures that several definitions are consistent with wetland board regulations, it grandfathered individual undeveloped lots for construction and provides for the repair expansion and improvement of pre-existing buildings. I urge you to support the Environment Committee's amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 768-FN, an act relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways. Environment Committee. Ought to pass with amendment. Senator Russman for the committee.

4704B

Amendment to SB 768-FN

Amend RSA 362-D:4, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Are generally based on the cost to provide such service.

Amend RSA 362-D:5 as inserted by section 2 of the bill by replacing it with the following:

362-D:5 Rulemaking Authority. The commission shall adopt rules, which shall wherever practical be consistent with existing national standards and which do not contain language which would be unduly prohibitive to the development or utilization of natural gas vehicles, pursuant to RSA 541-A, relative to:

I. The calculation of an electric or gas utility's revenue requirement.

II. Rates, terms, and conditions for the sale of vehicular electricity or vehicular natural gas.

III. Procedures necessary to provide for the proper administration of this chapter.

Amend the bill by inserting after section 2 the following new section and renumbering section 3 to read as 4.

3 Interim Rules; Review by Commission of Rules and Standards. Within 60 days of the effective date of this act, the public utilities commission shall:

I. Establish interim rules, pursuant to RSA 541-A, relative to the safety and jurisdiction over natural gas vehicles and any associated activities.

II. Review existing rules and standards and submit any amendments

III. Submit a draft of proposed rules and standards necessary to protect the public.

SENATOR RUSSMAN: Yes, this bill was one of a number of bills that you are going to see coming along relative to alternative fuel vehicles, extreme lines of PUC regulation of natural gas and electricity designed for their use. We would urge your vote to pass this legislation.

Amendment adopted.

Ordered to third reading.

SB 32-FN, an act relative to certified pharmacy technicians. Executive Departments and Administrations Committee. Interim study. Senator Currier for the committee.

SENATOR CURRIER: I move the report of interim study for the committee.

Committee report of Interim Study is adopted.

SB 33, an act relative to licensing of certified public accountants. Executive Departments and Administrations Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 510, an act relative to certificate of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Fraser for the committee.

3841B

Amendment to HB 510

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certificate of election blanks and write-in votes.

Amend the bill by deleting sections 2 and 4 and renumbering the original sections 3 and 5 to read as 2 and 3.

AMENDED ANALYSIS

This bill amends the election laws by:

(1) Requiring that a person must receive at least 5 write-in votes in order to receive the nomination of a party in a primary election.

(2) Removing the requirement that the secretary of state shall forward certificate of election blanks to municipalities.

SENATOR FRASER: I move the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 514, an act amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

3845B

Amendment to HB 514

Amend the title of the bill by replacing it with the following:

AN ACT

amending the election laws relative to the political calendar and election ballots.

Amend the bill by replacing all after section 10 with the following:

11 Time for Delivering Ballots to Town and City Clerks. Amend RSA 656:20, I to read as follows:

I. The secretary of state shall send the state general election ballots in a sealed package to the town and city clerks so they shall receive them [at least 6 days prior to] ***no later than Tuesday immediately preceding*** the day of the state general election. The package shall be marked on the outside to clearly designate the town or city for which it is intended and the number of ballots enclosed. The secretary of state shall keep a record of the time when and the manner in which the packages were sent to the clerks and a record of the number of ballots so forwarded. A town or city clerk shall sign a receipt for the ballots received.

12 Time for Preparing Primary Ballots. Amend RSA 656:22 to read as follows:

656:22 Preparation. The official state primary election ballots shall be prepared by the secretary of state and shall be delivered by him to town and city clerks so that the ballots shall be received not later than [6 days before] ***the Tuesday immediately preceding*** the state primary election. Each town and city clerk, in the presence of at least one other legal voter, shall verify the contents of the ballot package as provided under RSA 656:20 and reseal the ballots for use on election day.

13 Number of State Primary Election Ballots Which must be Furnished. RSA 656:26 is repealed and reenacted to read as follows:

656:26 Number. The secretary of state shall furnish to each town or ward clerk the state primary election ballots of each political party in a number which he shall deem sufficient for voting in the state primary.

14 Time for Delivering Presidential Primary Ballots to Town and City Clerks. Amend RSA 656:29 to read as follows:

656:29 Preparation. [At least 6 days before any presidential primary election is to be held, the official presidential primary election ballot for each political party shall be sent by the secretary of state to the city and town clerks.] ***The official presidential primary election ballot for each political party shall be sent by the secretary of state so as to be received by the city and town clerks no later than the Tuesday immediately preceding the presidential primary.*** Each town and city clerk, in the presence of at least one other legal voter, shall verify the contents of the ballot package as provided under RSA 656:20 and reseal the ballots for use on election day.

15 Time for Preparing Separate Checklist. Amend RSA 658:12 to read as follows:

658:12 Checklist. Immediately after the establishment of an additional polling place and the creation of the voting district to be served thereby, the supervisors of the checklist shall prepare a separate checklist of the voters entitled to vote at such a polling place. Such separate checklist shall thereafter be posted and revised along with the checklist for the central polling place as provided in RSA 654. [At least 14 days] ***No later than the Tuesday 2 weeks*** before any state election, the supervisors shall post at the town or city clerk's office or at the town hall a true and attested copy of such list and shall, before the election, [lodge] ***file*** with the town clerk 2 copies of such list.

16 Time for Determining Hours of Polling in Cities. Amend RSA 659:4 to read as follows:

659:4 Hours of Polling in Municipalities. At all state elections in towns and cities the polls shall open not later than 11 o'clock in the [forenoon] ***morning*** and shall close not earlier than 7 o'clock in the evening. In cities, the city council shall determine the polling hours [at least] ***no later than*** 30 days prior to a state election.

17 Time for Forwarding Election Returns. Amend RSA 659:75 to read as follows:

659:75 Forwarding; Retaining Copies of Return. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state [within 5 days after] ***no later than the Monday following*** a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk and shall be open to public inspection at reasonable times.

18 Time for Rejecting Nomination by Write-In Vote. Amend RSA 659:90 to read as follows:

659:90 Rejection of Nomination by Write-In Vote. Persons nominated by write-in vote who wish to reject the nomination shall reject their nominations as follows. A person notified in writing of his nomination by the secretary of state as required by RSA 659:89 shall advise the secretary of state in writing if he wishes to reject the nomination. If such rejection of nomination is not received by the secretary of state [within 10 days from] ***by the second Friday following*** the date of the primary, the person shall be deemed to have accepted the nomination; and his name shall appear on the official ballot as a candidate for the office. If for any reason the person cannot be contacted by the deadline for the printing of the ballots, the candidate's name shall be printed on the official state general election ballot.

19 Time for Accepting Nomination; Incompatible Offices. Amend RSA 659:91 to read as follows:

659:91 Nominations For Incompatible Offices. Any person who is nominated by the same political party for incompatible offices shall notify the secretary of state [within 5 days from] ***no later than the Monday following*** the date of the primary of which nomination he will accept. Thereupon

the secretary of state shall declare a vacancy to exist in the nomination which such person declined. The vacancy shall be filled as provided in RSA 655:37 except that all the necessary declarations of candidacy and affidavits shall be filed no later than [10 days from] ***the second Friday following*** the date of the primary.

20 Time for Sending Checklists to State Archives. Amend RSA 659:102 to read as follows:

659:102 Preservation of Checklists. [Within 10 days of the closing of the polls for] ***No later than the second Friday after*** each regular state general election, and for each presidential primary election, the supervisors of the checklist in the towns, and the corresponding officers in the cities, shall send one of the marked checklists which were used in that election, certified by the officers, to the state archives. In addition, they shall send one of the unmarked checklists which were used in the state general election at which a president was elected to the clerk of the federal district court for the district of New Hampshire. One marked copy of every checklist used in any election shall be turned over to the town or city clerk by the supervisors. The clerk shall preserve such checklists in his custody for a public record for a period of no less than 5 years.

21 Time for Applying for Recount. Amend RSA 660:1 to read as follows:

660:1 Application. Any candidate for whom a vote was cast for any office at a state general election may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted [before the expiration of 5 days after] ***no later than the Monday following*** the election. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than one percent of the total vote cast for that office, the applying candidate shall agree in writing with the secretary of state to pay the full expense of the recount. In such case, the applying candidate shall deposit with the secretary of state an amount of money reasonably estimated to cover such expenses.

22 Time for Applying for Recount. Amend RSA 660:7 to read as follows:

660:7 Application. Any person for whom a vote was cast for any nomination of any party at a state or presidential primary may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted [not later than 5 days] ***no later than the Monday*** after the primary for a recount of all ballots cast for such nomination. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2. If the difference between the vote cast for the applying candidate and another candidate who was declared nominated or who qualified for at least one delegate under RSA 659:93 or who qualified for federal election funding shall be greater than one percent of the total vote cast for that office, the applying candidate shall agree in writing with the secretary of state to pay the full expense of the recount. In such case, the applying candidate shall deposit with the secretary of state an amount of money reasonably estimated to cover such expenses.

23 Time to Petition for Recount of Constitutional Amendment Ballots. Amend RSA 660:10 to read as follows:

660:10 Application. Upon receipt of petitions of 100 voters made [within 25 days of] ***no later than the fourth Friday following*** the date of the election, the secretary of state shall recount the ballots cast on any question to amend the constitution if the proposal was adopted or failed by no more than one percent of the vote cast. The recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state and under such rules of procedure as he shall determine

and at such time as he may appoint. [The secretary of state shall publish a notice of the time and place of the recount twice in a newspaper of general circulation throughout the state.]

24 Time for Holding Recount of County Referendum Ballots. Amend RSA 660:12 to read as follows:

660:12 County Referendum. The secretary of state shall recount the ballots cast on any question which may be submitted to the voters of a county at a state general election under the provisions hereinafter set forth. Application for such recount shall be by written petition signed by at least 50 legal voters of said county presented to the secretary of state [within 10 days after] ***no later than the second Friday following*** the state general election. The recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state at such time as the secretary of state may appoint and under such rules of procedure as he shall determine. The secretary of state shall publish notice of the time and place of the recount once in a paper of general circulation throughout the county. The fee for such a recount on a question voted on throughout a county shall be \$25 which shall be paid to the secretary of state by the person submitting the application. If, after the recount, it shall appear that the result of the voting on said question is other than that declared upon the original canvass of votes, the secretary of state shall declare the result found upon recount which shall be final unless the result is changed as a result of an appeal taken to the superior court.

25 Time for Petition for Recount of Votes Cast on Ballot Questions. Amend RSA 660:13 to read as follows:

660:13 Application. Five legal voters of any city or town which has voted on any question other than constitutional amendments printed on the ballot at any state election as provided in RSA 663 may, [within 10 days thereafter] ***no later than the second Friday after the election***, petition the secretary of state for a recount of the votes cast upon said questions. Such application shall be accompanied by a fee of \$10 for each 1,000 ballots or fraction thereof cast at the election in said town; however, in no event, shall the fee exceed \$50. The secretary of state shall fix a time for recount and shall notify the petitioners and the selectmen, clerk and moderator of the town or the mayor and clerk of the city of the time and place so fixed. He shall request the clerk having custody of the ballots to forward them forthwith to the secretary of state, and the clerk shall immediately forward them.

26 Time to Petition for Questions to be Placed on Ballot. Amend the introductory paragraph of RSA 663:5, I to read as follows:

I. Upon petition of not less than 5 percent of the legal voters of any city or town filed with the secretary of state [not more than 90 days and not less than 60 days] ***not earlier than the first Wednesday after the first Tuesday in August and no later than the first Friday in September*** before a state general election, the following questions shall be submitted to the voters of such city or town on the usual ballot at such state election:

27 Time for Submitting Question on Sale of Sweepstakes Tickets to Voters. Amend RSA 663:7 to read as follows:

663:7 Question; Vote; Results. Upon the petition of 5 percent of the voters of any city or town filed with the secretary of state [not more than 90 days nor less than 60 days] ***not earlier than the first Wednesday after the first Tuesday in August and no later than the first Friday in September*** before a state general election, the appropriate version of the following question shall be submitted to the voters of such city or town at said election: "Shall sweepstakes tickets (continue to) be sold in this city or town?" If a majority of those voting vote "yes" on the question, tickets may be sold or continued to be sold by the commission in that city or town.

If a majority of those voting vote "no" on the question, the commission shall not sell tickets in that city or town. No petition that the question prescribed in this section be printed on the ballot at a state general election shall be made within 2 years of a vote on such a question at a previous state general election.

28 Time for Placing and Removing Political Advertising. Amend RSA 664:17 to read as follows:

664:17 Placement and Removal of Political Advertising. No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. [Political advertising may not be so placed or affixed more than 45 days] ***The earliest date on which political advertising may be placed or affixed shall be the last Friday in July*** prior to a state primary. All political advertising shall be removed by the candidate no later than [10 days after] ***the second Friday following*** the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. No person shall remove, deface or knowingly destroy any political advertising which is placed on or affixed to any private property except the owner of the property or a law enforcement officer removing improper advertising; provided, however, that, before a law enforcement officer removes any advertisement, he shall notify the candidate that it is improper, and allow the candidate 24 hours to remove the advertisement himself.

29 Daily Fine Reduced for Members of General Court. Amend RSA 664:21, IV to read as follows:

IV. In addition to the fines levied under paragraph I, any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every [day] ***weekday*** for which the report or statement is late and until the report or statement is actually filed, ***except that candidates for the general court shall be subject to a daily fine of \$5 under this paragraph.***

30 Time for Making Complaint that Law against Bribery Violated. Amend RSA 666:9 to read as follows:

666:9 Examination on Complaint. [On the day of any election, or within 10 days thereafter] ***No later than the second Friday after any election,*** any 5 voters may make written complaint to any judge of the district or municipal court, stating only that in their belief the law against bribery in elections has been violated in connection therewith, and asking for an inquiry concerning such violation and naming the witnesses whom they desire to have examined, and there upon such judge shall immediately proceed to make such inquiry; and for that purpose he may issue his subpoena, or compulsory process, if necessary, to the witnesses named and to any others, and may examine them in the same manner as he might upon a complaint in a criminal proceeding before him; and the powers, duties and liabilities of the judge and witnesses shall be the same as in such case.

31 Time for Filing Period Under Non-Partisan Ballot System. Amend RSA 669:19 to read as follows:

669:19 Nominations; Non-Partisan Ballot System. In a town which has adopted the non-partisan ballot system as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the town clerk during the filing period for town candidates. Such filing period shall [be 10 days in duration, beginning on the seventh Wednesday] ***begin on the seventh Wednesday and end on the Friday of the following week*** before the town election. Such declaration of candidacy shall be prepared by the town clerk in substantially the following form: I, _____, declare that I am

domiciled in the town of _____, and that I am a registered voter therein; that I am a candidate for the office of _____ and hereby request that my name be printed on the official non-partisan ballot of the town of _____. At the time of said filing, each candidate shall pay to the town clerk a filing fee of \$1 for the use of the town, provided that a candidate for a town office which carries no salary or other compensation shall be entitled to file his declaration without the payment of a filing fee.

32 Time for Applying for Recount in Town Election. Amend RSA 669:30 to read as follows:

669:30 Recounts; Application. [If any] **Any** person for whom a vote was cast and recorded for any office at a town election [shall, before the expiration of 3 days from the date of the] **may, no later than the Friday following the** election, apply in writing to the town clerk for a recount of the ballots cast for such office, the clerk shall appoint a time for the recount not earlier than 5 days nor later than 10 days after the receipt of said application.

33 Checklist Used at Village District Elections. Amend RSA 670:3 to read as follows:

670:3 Voters and Checklists. Any person having his domicile within the village district and qualified to vote as provided in RSA 654:1, 654:2 and 654:4-654:6 and whose name is on the village district checklist shall be entitled to vote in any village district election. [Upon petition of 10 or more such voters to the appropriate supervisors of the checklist before any meeting, the supervisors shall prepare, post, and correct a checklist of the legal voters of the district, in the same manner as provided in RSA 654:25-654:31, except that the session required by RSA 654:27 to be held 3 weeks before the election shall not be required.] **An updated checklist shall be used at all village district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5.** Such checklist or checklists, if the district is located in more than one town, shall be used in the election of district officers.

34 Repeal. RSA 655:52, relative to filling vacancies among delegates of a presidential candidate, is repealed.

35 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the statutory authorization for the secretary of state by specifying that the secretary of state's duties shall be those of both a legislative branch as well as an executive branch officer. The bill also changes the election laws by:

(1) Amending the dates in the political calendar used by the secretary of state to administer the election laws.

(2) Changing the number of state primary election ballots which must be furnished by the secretary of state to cities and towns.

(3) Changing the time for placing and removing political advertising.

(4) Changing certain penalty provisions for the violation of RSA 664.

(5) Changing the fine which must be paid by candidates for the failure to file reports on political expenditures and contributions.

(6) Clarifying which checklist shall be used at village district elections.

(7) Changing the procedure for determining the qualifications of an applicant for voter registration.

SENATOR LOVEJOY: I move the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 531, an act prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the committee report of inexpedient to legislate.

Senator J. King moved to have **HB 531**, an act prohibiting persons from running as candidates on more than one party ticket in state primary and general elections, laid on the table.

Adopted.

LAID ON THE TABLE

HB 531, an act prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

HB 541, an act relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections. Executive Departments and Administrations committee. Ought to pass with amendment. Senator J. King for the committee.

3842B

Amendment to HB 541

Amend the bill by replacing all after section 2 with the following:
3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the election laws relative to the reporting requirements for political committees and candidates by:

(1) Adding definitions for "full name," "post office address," "occupation," and "principal place of business."

(2) Clarifying the information which shall be included in the itemized statements filed with the secretary of state and changing the dates for filing such statements.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 543-FN-A-LOCAL, an act requiring that the department of revenue administration conduct an annual ratio study relative to real estate assessments and sales and making an appropriation therefor. Executive Departments and Administrations Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 552, an act providing for ownership rights in dies and molds under certain conditions. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Colantuono for the committee.

4598B

Amendment to SB 552

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Rights to Dies and Molds. Amend RSA by inserting after chapter 350-B the following new chapter:

CHAPTER 350-C

RIGHTS TO DIES AND MOLDS

Mold Retention

350-C:1 Definitions. In this subdivision:

I. "Customer" means any individual or entity who causes or caused a molder to fabricate, cast, or otherwise make a die, mold, or form.

II. "Molder" means any individual or entity, including, but not limited to, a tool or die maker, who fabricates, casts, or otherwise makes a die, mold, or form.

III. "Within 3 years following the last prior use" shall be construed to include any period following the last prior use of a die, mold, or form regardless of whether or not that period precedes the effective date of this subdivision.

350-C:2 Ownership Rights to Dies and Molds.

I. In the absence of any agreement to the contrary, the customer shall have all rights and title to any die, mold, or form in the possession of the molder.

II. If a customer does not claim possession from a molder of a die, mold, or form within 3 years following the last prior use of such die, mold, or form, all rights and title to any die, mold, or form shall be transferred by operation of law to the molder for the purpose of destroying or otherwise disposing of such die, mold or form, consistent with this section.

III. If a molder chooses to have all rights and title to any die, mold, or form transferred to the molder by operation of law, the molder shall send written notice by registered mail to the chief executive office of the customer or, if the customer is not a business entity, to the customer at the customer's last known address indicating that the molder intends to terminate the customer's rights and title by having all such right and title transferred to the molder by operation of law pursuant to this subdivision.

IV.(a) If a customer does not respond in person or by mail to claim possession of the particular die, mold, or form within 120 days following the date the notice was sent, or does not make other contractual arrangements with the molder for storage of the die, mold, or form, all rights and title of the customer shall transfer by operation of law to the molder. Thereafter, the molder may destroy or otherwise dispose of the particular die, mold, or form as the molder's own property without any risk of liability to the customer.

(b) This subdivision shall not be construed in any manner to affect any right of the customer, under federal patent or copyright law or any state or federal law pertaining to unfair competition.

Liens

350-C:3 Definitions. In this subdivision:

I. "Plastic fabricator" or "molder" means any individual or entity, including, but not limited to, a tool or die maker, who contracted with, or uses a die, mold, form or pattern to manufacture, assemble, or otherwise make a plastic product or products for a customer.

II. "Customer" means any individual or entity who contracted with, causes, or caused a plastic fabricator to use a die, mold, form or pattern to manufacture, assemble, or otherwise make a plastic product or products.

350-C:4 Liens.

I. Plastic fabricators and persons conducting a plastic fabricating business shall have a lien, dependent on possession, on all dies, molds, forms

or patterns in their hands belonging to a customer, for the balance due them from such customer for plastic fabrication work, and in the value of all material related to such work. The fabricator may retain possession of the die, mold, form or pattern until the charges are paid.

II. Before enforcing such lien, notice in writing shall be given to the customer, whether delivered personally or sent by registered mail to the last-known address of the customer. This notice shall state that a lien is claimed for the damages set forth in or attached to such writing for plastic fabrication work contracted or performed for the customer. This notice shall also include a demand for payment.

III. If the molder has not been paid the amount due within 60 days after the notice has been received by the customer as provided in paragraph II, the molder may sell the die, mold, or form at a public auction if both of the following occur:

- (a) The die, mold, or form is still in the molder's possession.
- (b) The molder complies with RSA 350-C:5.

350-C:5 Sale.

I. Before a molder may sell the die, mold, or form, the molder shall notify, by registered mail, return receipt requested, the customer. The notice shall include the following information:

- (a) The molder's intention to sell the die, mold, or form 30 days after the customer's receipt of the notice.
- (b) A description of the die, mold, or form to be sold.
- (c) The time and place of the sale.
- (d) An itemized statement for the amount due.

II. If there is not a return of the receipt of the mailing or if the postal service returns the notice as being nondeliverable, the molder shall publish notice of the molder's intention to sell the die, mold, or form in a newspaper of general circulation in the place where the die, mold, or form is being held for sale by the molder. The notice shall include a description of the die, mold, or form and name of the customer.

III.(a) If the sale is for a sum greater than the amount of the lien, the excess shall be paid to any prior lienholder and any remainder to the customer.

(b) A sale shall not be made under this subdivision if it would be in violation of any right of a customer under federal patent or copyright law.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill establishes a procedure for ownership rights in dies and molds. Under this bill, the customer owns the die or mold, unless there is an agreement to the contrary or unless the customer does not claim possession in which case ownership rights may pass to the molder. The bill also establishes a lien procedure in the event a customer contracts for such die or mold and ceases to make payments.

SENATOR COLANTUONO: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 565-FN, an act relative to state contracts. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Fraser for the committee.

4599B

Amendment to SB 565-FN

Amend the bill by deleting section 2 and renumbering section 3 to read as section 2.

AMENDED ANALYSIS

Under present law, the director of plant and property management may authorize purchases by agencies using the integrated financial system for contracted commodities and services, provided that the total expenditure does not exceed \$1,000. This bill increases that dollar amount to \$5,000.

The bill also changes the maximum amount for a field purchase order from \$100 to \$500.

SENATOR FRASER: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 582, an act requiring every person representing another person before a local land use board to disclose who is being represented. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 606, an act authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies. Executive Departments and Administrations Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 607, an act relative to payment of hourly employees called for jury duty. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Bourque for the committee.

SENATOR BOURQUE: I move the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

Senator Lamirande in opposition to inexpedient to legislate on SB 607.

SB 612, an act relative to the electricians' licensing board. Executive Departments and Administrations Committee. Ought to pass. Senator Currier for the committee.

SENATOR CARRIER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 613, an act relative to administrative fines for violations of the emergency medical services law. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Currier for the committee.

4786B

Amendment to SB 613

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

SENATOR CURRIER: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 622, an act changing the membership of the board of examiners of psychology and mental health practice. Executive Departments and Administrations Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 624, an act creating a unit within the department of environmental services to certify certain scientists. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Fraser for the committee.

4102B

Amendment to HB 624-FN

Amend the title of the bill by replacing it with the following:

AN ACT
relative to certification of and fees for wetland scientists and
changing the title of "natural scientists" to
"soil scientists."

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Heading; Wetland Scientists Included, "Natural Scientists" Changed to "Soil Scientists." Amend the chapter heading of RSA 310-A to read as follows:

ENGINEERS, ARCHITECTS, LAND SURVEYORS, [NATURAL]
SOIL SCIENTISTS, [AND] FORESTERS,
AND WETLAND SCIENTISTS

2 Adding Wetland Scientists. Amend RSA 310-A:1 to read as follows:

310-A:1 Joint Board Established. There shall be a joint board of engineers, architects, land surveyors, foresters, [and natural] **soil** scientists, **and wetland scientists** consisting of each of the members of the board of engineers, **the** board of architects, **the** state board of licensure for land surveyors, **the** foresters' board, [and] the board of [natural] **soil** scientists, **and the board of wetland scientists**. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

3 Subdivision Heading Changed. Amend the subdivision heading preceding RSA 310-A:75 to read as follows:

[Natural] **Soil** Scientists

4 Changing Natural Scientists to Soil Scientists. Amend RSA 310-A:75 to read as follows:

310-A:75 Purpose. The general court finds it in the best interests of the citizens of the state of New Hampshire to establish the board of [natural] **soil** scientists and the profession of soil scientists. This certification is to [guard] **benefit** the citizens of New Hampshire and the profession [from unqualified practitioners of soil science and to foster] **through the** intelligent application of the knowledge of soil properties in planning and implementing land use decisions.

5 Changing Natural Scientists to Soil Scientists. Amend RSA310-A:76, I to read as follows:

I. "Board" means the state board of [natural] **soil** scientists authorized to certify soil scientists pursuant to this subdivision.

6 Redefining "Pedological Principles" and "Practice of Soil Science." RSA 310-A:76, III and IV are repealed and reenacted to read as follows:

III. "Pedological principles" means those aspects of soil science which involve, but are not limited to, the nature, properties, formation, classification, functioning behavior and response to the use and management of soils. Pedology centers on soil as the physically, chemically, and biologically weathered part of the earth's surface which supports or is capable of supporting plants.

IV. "Practice of soil science" means any professional service which requires the application of pedological principles and data, including but not limited to the identification, classification, mapping, and interpretation of soils using the standards of the National Cooperative Soil Survey, or the equivalent as approved by the board.

7 New Paragraph; Exemption Added; Non-Certified Soil Scientists. Amend RSA 310-A:79 by inserting after paragraph III the following new paragraph:

IV. The activities of any non-certified soil scientist who does not hold oneself out as or represents oneself to be certified under this subdivision.

8 Changing Natural Scientists to Soil Scientists. Amend the section heading of RSA 310-A:81 and RSA 310-A:81, I to read as follows:

310-A:81 Board of [Natural] **Soil** Scientists; Establishment; Expenses.

I. A board of [natural] **soil** scientists is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be professional soil scientists, and one public member. The initial professional board members shall meet the educational requirements of RSA 310-A:84, I(a). The public member of the board shall be a person who is not, and never was, a member of the soil science profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of soil science services or an activity directly related to soil science, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

9 Certified Soil Scientist Specified for Purpose of Determining Violation. Amend RSA 310-A:95 to read as follows:

310-A:95 Violations; Penalty. Any person who practices or offers to practice soil science in this state for others **as a certified soil scientist** without a certificate in accordance with this subdivision, or any person presenting or attempting to use the certificate or seal of another, or any person who gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a certificate, or any person who falsely impersonates any other certified soil scientist, or any person who attempts to use an expired or nonexistent or revoked certificate or authorization, or any person who violates any of the provisions of this subdivision, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

10 Adding Wetland Scientists. Amend RSA 310-A:97 to read as follows:

310-A:97 Title. This chapter shall be cited as the "New Hampshire Joint Board of Licensure for Engineers, Architects, Land Surveyors, [Natural Scientists,] and Foresters, **and Certification for Soil Scientists and Wetland Scientists.**"

11 Purpose. The general court finds that wetland resources of the state perform valuable functions important to public and private interests and that it is in the best interest of the people of New Hampshire to establish qualifications for those persons who practice the profession of wetland science.

12 New Subdivision; Certification of Wetland Scientists. Amend RSA 310-A by inserting after section 117 the following new subdivision:

Certifying Wetland Scientists

310-A:118 Definitions. In this subdivision:

I. "Board" means the state board of wetland scientists.

II. "Certified wetland delineator" means a person who, by reason of special knowledge acquired by course work and experience as specified by RSA310-A:125, I, is qualified to delineate wetland boundaries in accordance with the requirements of subparagraph V(a) of this section, who has been duly certified by the board of wetland scientists.

III. "Certified wetland scientist" means a person who, by reason of multidisciplinary expertise in wetland science acquired by professional education and practical experience, as specified by RSA310-A:126, I and II, is qualified to practice wetland science, and who has been duly certified by the board of wetland scientists.

IV. "Multidisciplinary expertise in wetland science" means experience, or a combination of experience, education, and training in, but not limited to, the disciplines of botany, hydrology, pedology, ecology, biology and geology, and an understanding of the inter-relationships of these disciplines to the function and development of wetlands.

V. "Practice of wetland science" means the ability to delineate, classify, evaluate, and describe wetlands according to the standards specified below, or other standards approved by the board of wetland scientists:

(a) Delineation of wetland boundaries based on the technical criteria of a recognized federal manual for wetland delineation or standards adopted by the state wetlands board.

(b) Classification of wetlands based on the "Classification of Wetlands and Deepwater Habitats of the United States", 1979 or latest edition, as published by the United States Department of the Interior, Fish and Wildlife Service, or a classification system adopted by the state wetlands board.

(c) Evaluation of wetland functions and values based on recognized functional assessment methods or a method adopted by the state wetlands board.

310-A:119 Wetland Scientists Board; Establishment; Terms; Expenses; Meetings.

I. There is established a board of wetland scientists to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, one of whom shall be a certified wetland delineator, 3 of whom shall be certified wetland scientists, and one public member. The initial professional members of the board shall meet the educational requirements of RSA310-A:125, I, for the wetland delineator member, or RSA 310-A:126, I(a) or (b), for the wetland scientist members. The public member of the board shall be a person who is not, and never was, a wetland delineator or wetland scientist or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of services or an activity directly related to wetland science, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least 3 years immediately prior to appointment. Each of the appointed wetland scientists shall have actively practiced wetland science, and the wetland delineator shall have conducted wetland delineations, for at least 3 years prior to appointment and shall have held a responsible position in charge of such work for at least 2 years prior to appointment, which may include the teaching of wetland science.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term shall expire in any calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be able to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds $\frac{1}{2}$ of the 5-year term shall be deemed a full term. A member whose term has expired shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment regardless of the date of such appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA4:1.

IV. Board members shall be reimbursed for per diem and mileage expenses at rates customary for state employees.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such manner as provided under rules adopted by the sub-board pursuant to RSA 541-A. The board shall biennially elect or appoint a chair, vice-chair, and secretary. A quorum of the board consists of at least 3 members.

VI. The board shall adopt an official seal.

310-A:120 Recordkeeping.

I. The board shall keep a record of its proceedings and a register of all applications for certification, which shall show the name and residence of each applicant, the date of application, the place of business of each applicant, the applicant's experience, education and other qualifications, whether or not an examination was required, whether the applicant was rejected and reasons therefor, whether a certificate was granted, the date of the action by the board, and such other information as the board deems necessary.

II. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

III. During February of each even-numbered year, the secretary of the board shall publish a roster listing the names, profession, and places of business of all individuals certified under this subdivision. Copies of this roster shall be mailed to each person certified, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

IV. Board members shall maintain records of all expenses incurred for per diem and mileage until such time when sufficient funds have been generated through application or renewal filing fees to offset these costs. At that time, board members may submit vouchers for reimbursement of costs incurred to administer the provisions of this subdivision.

310-A:121 Reciprocity. A nonresident of this state who is certified as a wetland delineator or as a wetland scientist in another state may be certified under this subdivision by filing an application with the board accompanied by a copy of the applicant's certification in such other state, and by paying a fee to the board, provided the applicant's qualifications meet the requirements of this subdivision and the rules adopted by the board.

310-A:122 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for obtaining a certificate to practice under this subdivision.

II. The qualifications of applicants in addition to those requirements under RSA310-A:125 for wetland delineators and RSA 310-A:126 for wetland scientists, including satisfactory evidence of good professional character.

III. How the applicant shall be examined, including the time and place of the examination.

IV. How a certificate to practice under this subdivision shall be renewed, including the requirement for continuing education.

V. The establishment of all fees required under this subdivision.

VI. Ethical and professional standards required to be met by each holder of a certificate under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.

VII. Other matters related to proper administration of this subdivision.

310-A:123 Additional Powers. The board shall have the power to subpoena witnesses and compel, by subpoena duces tecum, the production of books, papers and documents in a case involving disciplinary action. Any member of the board may administer oaths or affirmations to witnesses appearing before them. Such subpoenas issued by any member of the board or by any justice of the peace shall have the same effect as though issued for appearance before the superior court.

310-A:124 Certification Required; Business Entities; Exemptions.

I. Any person, except as specifically exempted by this subdivision, who practices or who offers to practice wetland science as a certified wetland delineator or as a certified wetland scientist for the general public in this state, shall be certified to do so by the board of wetland scientists and shall be subject to the provisions of this subdivision.

II. Nothing in this subdivision shall prohibit one or more certified wetland delineators or certified wetland scientists from practicing their profession through a sole proprietorship, partnership or corporation. In any such entity offering the services of a certified wetland delineator or a certified wetland scientist as defined by this subdivision, at least one partner, officer, or employee shall be certified to practice that science, and all work products relating to the practice of that science shall have the official seal and signature of the certified delineator or wetland scientist, as appropriate, within that entity who is responsible for the accuracy of all such work products.

III. Nothing in this subdivision shall be construed to prohibit or limit:

(a) The practice of a wetland science regulated under this subdivision by a nonresident having no established place of business in this state when such practice does not exceed, in the aggregate, more than 30 working days in any calendar year, provided that such persons are legally qualified to practice in their own state or country in which the requirements and qualifications for obtaining a certificate are not lower than those specified in this subdivision. Practice for any portion of a day shall be deemed to constitute practice for the entire day.

(b) The work of an employee or subordinate of a person holding a certificate under this subdivision, or any employee or subordinate of a person practicing lawfully under paragraph II, done under the direct supervision of the certificate holder or person practicing lawfully under paragraph II.

(c) The determination of a hydric soil boundary.

(d) The activities of any non-certified wetland delineator or non-certified wetland scientist who does not hold oneself out as or represents oneself to be certified under this subdivision.

310-A:125 Qualifications for Certification of Wetland Delineators.

I. Applicants for certification as wetland delineators shall be of high ethical standards, shall have successfully passed an examination designed to determine proficiency and qualification to delineate wetland boundaries, and shall have successfully completed a minimum of 100 hours of combined classroom and field instruction in wetland soils, wetland vegetation, and wetland hydrology.

II. Any candidate for certification as a wetland delineator who fails an examination may apply for re-examination upon payment of an additional fee as determined by the board under rules adopted pursuant to RSA 541-A, and shall be re-examined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with future examinations.

310-A:126 Qualifications for Certification of Wetland Scientists.

I. Applicants for certification as wetland scientists shall be of high ethical standards, have successfully passed an examination designed to determine proficiency and qualification to engage in the practice of wetland science, and shall have one of the following additional qualifications:

(a) Be a graduate of an accredited college with a baccalaureate or graduate level degree, where the applicant successfully completed a minimum of 30 semester hours in multiple scientific disciplines including any 5 of the following disciplines: ecology, biology, zoology, botany, geology, pedology and hydrology and have a specific record of an additional 2 or more years' experience in the practice of wetland science; or

(b) Be a graduate of an accredited college with a baccalaureate level degree, where the applicant successfully completed a minimum of 20 semester hours in multiple scientific disciplines including any 4 of the following disciplines: ecology, biology, zoology, botany, geology, pedology and hydrology, and have a specific record of an additional 3 or more years' experience in the practice of wetland science; or

(c) Be a graduate of an accredited college with a baccalaureate level degree, and have a specific record of 4 or more years' experience in the practice of wetland science; or

(d) Be a graduate of an accredited college with an associates level degree or the equivalent, and have a specific record of an additional 6 years or more in the practice of wetlands science.

II. Experience in the practice of wetland science shall be of a grade and character that indicates to the board that the applicant is competent to practice as a wetland scientist. Experience shall be determined as follows:

(a) Actual wetland delineation, classification and evaluation experience conducted for scientific research or public or private interests, shall count as experience time and shall account for a minimum of one year of the experience requirement.

(b) Educational training shall not be considered as experience. Summer employment in the practice of wetland science shall be considered experience for the purpose of this section.

(c) The practice of wetland science shall be done under the direct supervision of a certified wetland scientist who will attest to the accuracy of the information generated.

(d) Teaching wetland delineation, wetland classification and wetland evaluation courses at an accredited college, university, or institution shall be considered as experience in the practice of wetland science.

(e) An advanced degree in a related field may be counted as one year of experience. Advanced degrees may account for no more than one year of experience.

III. Any candidate for certification as a wetland scientist who fails an examination may apply for re-examination upon payment of an additional fee as determined by the board under rules adopted pursuant to RSA 541-A, and shall be re-examined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study or education credits acceptable to the board before being allowed to proceed with future examinations.

310-A:127 Apprentice. To be eligible for recognition as an apprentice wetland scientist, a person shall have the following qualifications:

I. Be of responsible character.

II. Have completed the formal education under RSA 310-A:126, I(a), (b), (c), or (d).

III. Be in training to become a certified wetland scientist, and be engaged in the practice of wetland science under the direct supervision of a certified wetland scientist.

310-A:128 Certification Procedure and Certificates.

I. Application for certification shall be on forms prescribed and furnished by the board. Such forms shall include the applicant's educational background, including transcripts from educational institutions attended, a detailed work experience history, and such other information as the board may by rule require. All applications shall be signed under oath by the applicant.

II. Applications shall be approved by a majority vote of the board.

III. Any applicant who has successfully passed the examination or who has otherwise qualified as a certified wetland delineator, a certified wetland scientist or apprentice wetland scientist shall, upon payment of a fee, be issued a certificate attesting that the applicant is a certified wetland delineator, certified wetland scientist, or apprentice wetland scientist.

IV. Certificates shall show the full name of the certified wetland delineator, certified wetland scientist, or apprentice wetland scientist, shall have a serial number, and shall be signed by the chair and secretary of the board under seal of the board. Each certified wetland delineator or wetland scientist shall obtain a seal of the design authorized by the board bearing the name of the certified individual, the legend "Certified Wetland Delineator" or "Certified Wetland Scientist," as appropriate, and a place for the certified individual's signature. Plans and reports prepared by or under the supervision of a certified individual shall be stamped with their seal and carry their signature.

310-A:129 Expiration and Renewal of Certification.

I. A certification shall expire at 12:00 midnight on December 31 biennially.

II. Certification may be renewed by written application prior to the expiration date, by payment of the prescribed renewal fee and by evidence of continued practice or study in wetland science according to standards adopted by the board. The secretary shall notify each certified wetland scientist at least one month prior to expiration of such certification.

III. Failure to remit the biennial renewal fee when due or provide sufficient documentation of continuing work or education in wetland science shall automatically cancel the certification. If properly renewed, a certification shall remain in effect continuously from the date of issuance, unless suspended or revoked by the sub-board for just cause. A person whose certification is cancelled for such failure may reinstate the certifi-

cation by paying, within one year of cancellation, all fees due, plus a late fee as established by the board under rules adopted pursuant to RSA 541-A and sufficient documentation of continuing work or education in wetland science.

310-A:130 Waiver.

I. Any person who has been engaged in the delineation of wetlands, as defined in this subdivision, for a period of at least one year prior to the effective date of this subdivision, may, within one year of the adoption of rules pursuant to RSA 541-A governing the administration of this subdivision as it relates to the delineation of wetland boundaries, apply to the board of wetland scientists for certification as a wetland delineator. Applicants, who can demonstrate that they have been actively delineating wetland boundaries in accordance with a methodology recognized under this subdivision for one year prior to the enactment of this subdivision, shall be certified as wetland delineators.

II. Any person who has been engaged in the delineation of wetlands, as defined in this subdivision, for a period of at least two years prior to the effective date of this subdivision, may, within one year of the adoption of rules pursuant to RSA 541-A governing the administration of this subdivision as it relates to the practice of wetland science, apply to the board of wetland scientists for certification as a wetland scientist. Such applicants shall be certified as follows:

(a) Any applicant who meets the educational requirements under RSA 310-A:126, I(a), (b), (c), or (d) and who can demonstrate a proficiency in the classification and evaluation of wetlands, as defined in this subdivision, shall be approved for certification by the board without examination. Proficiency shall be demonstrated through experience, as required under RSA 310-A:126, II(a), (b), (d) or (e), or by the successful completion of training through courses or seminars approved by the board.

(b) Any applicant who does not meet the educational requirements of RSA 310-A:126, I(a), (b), (c), (d), or (e) shall be approved by the board after having successfully passed an examination designed to determine proficiency and qualification to engage in the practice of wetland science.

310-A:131 Fees.

I. The board shall adopt rules under RSA 541-A which establish fees for the following:

- (a) Application for certification by reciprocity.
- (b) Application for certification under examination.
- (c) Biennial renewal for certified wetland scientist.
- (d) Application for certification as an apprentice wetland scientist.
- (e) Late reinstatement fee for a late renewal.
- (f) Replacement of lost or mutilated certificate.

II. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

310-A:132 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative.

(b) Upon written complaint of any person which charges that a person certified by the board has committed misconduct under paragraph II, and which specifies the grounds for such complaint.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a certification to practice under this subdivision.

(b) Conviction of a felony or any offense involving moral turpitude.

(c) Any unprofessional conduct or dishonorable conduct unworthy of and affecting the practice of wetland science.

(d) Unfitness or incompetency by reason of negligent habits or other causes, or negligent or willful acts performed in a manner inconsistent with the interest of persons relying on the professional expertise of the certified wetland scientist.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the person unfit to practice under this subdivision.

(f) Mental or physical incompetency to practice under this subdivision.

(g) Willful or repeated violation of the provisions of this subdivision.

(h) Suspension or revocation of a certificate, similar to the one issued under this subdivision in another jurisdiction, which was not reinstated.

III. The board may take disciplinary action in one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of certification for a period of up to 5 years.

(c) By revocation of certification.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which a deficiency has been found.

310-A:133 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to a hearing, all parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date of notice of a complaint received by the named person, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

310-A:134 Violations; Penalty. Any person who practices or offers to practice wetland science in this state for others as a certified wetland delineator or as a certified wetland scientist without a certificate in accordance with this subdivision, or any person presenting or attempting to use the certificate or seal of another, or any person who gives any false or forged evidence of any kind to the board in obtaining or attempting to obtain a certificate, or any person who falsely impersonates any other certified wetland delineator or certified wetland scientist, or any person who attempts to use an expired or nonexistent or revoked certificate or authorization, or any person who violates any of the provisions of this subdivision, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

310-A:135 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:134 on proceedings brought by the attorney general, the board, or any society of certified wetland scientists duly incorporated under the laws of this state.

13 Prohibition Effective. No prohibition established under this act, relating to the practice of wetland science without a certificate, shall take effect until 6 months after a quorum of the board of wetland scientists has been appointed and qualified, and administrative rules for the board of wetland scientists have been adopted.

14 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill:

(a) Adds the board of wetland scientists to the joint board of engineers, architects, land surveyors, foresters, and natural scientists, and changes the title of natural scientists to soil scientists.

(b) Creates a new subdivision certifying wetland delineators and wetland scientists.

(c) Establishes the board of wetland scientists.

(d) Establishes certification regulations and standards for persons who are employed as wetland delineators or wetland scientists.

(e) Delineates the powers and duties of the board.

(f) Sets forth the qualifications for applicants seeking certification by the board and the procedures for renewal of certification by the board.

(g) Grants rulemaking authority to the board to adopt rules relative to the provisions of this bill.

SENATOR FRASER: I move the adoption of the committee amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 630, an act relative to the New Hampshire industrial heritage commission. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Bourque for the committee.

4788B

Amendment to SB 630

Amend RSA 19-D:2, II as inserted by section 2 of the bill by replacing it with the following:

II. The commission shall have the authority, on behalf of the state, to accept gifts and donations, to conduct site reviews for the park and any satellite facilities, to set policy for the development and operation of the park and to report annually to the governor and council, the president of the senate, and the speaker of the house. All gifts received by the commission on behalf of the state not specifically used in the museum shall remain the property of the state's division of parks and recreation, department of resources and economic development.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

SENATOR BOURQUE: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 633, an act exempting the real estate and personal property of The Housing Partnership from the property tax. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of inexpedient to legislate.

Recess.

Out of recess.

Senator Cohen moved to have **SB 633**, an act exempting the real estate and personal property of The Housing Partnership from the property tax, laid on the table.

Adopted.

LAI D ON THE TABLE

SB 633, an act exempting the real estate and personal property of The Housing Partnership from the property tax.

SB 721, an act establishing a committee to study revising the aeronautics statutes. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 804, an act relative to property taxes for condominium units paid through condominium associations. Executive Departments and Administrations committee. Ought to pass with amendment. Senator J. King for the committee.

4857B

Amendment to SB 804

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study delinquent property taxes owed by condominium unit owners.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the problem of delinquent property taxes owed towns and cities by certain condominium unit owners. The members of the committee shall be:

I. Two members of the house of representatives, appointed by the speaker of the house.

II. Two members of the senate, appointed by the president of the senate.

III. One public member who shall have experience in condominium associations, appointed by the governor.

IV. The attorney general, or designee.

V. A representative from the New Hampshire Municipal Association, appointed by such association.

VI. The banking commissioner, or designee.

VII. A selectman from a town in which condominiums represent a major portion of the tax base, appointed by the governor.

VIII. A representative from Community Associations Institute-NH, appointed by such institute.

2 Duties. The duties of the committee shall include, but not be limited to, the following:

I. Examination of a procedure requiring the town to give notice to the bank or lienholder of the unit allowing such bank or lienholder to pay the delinquent property taxes and take title to the unit or alternatively to require the condominium association to pay the delinquent taxes.

II. Examining other possible solutions.

III. Submitting proposed legislation, if appropriate, for the 1995 legislative session.

3 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named senate member or designee within 30 days after the effective date of this act. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the president of the senate, the speaker of the house and the governor on or before November 1, 1994.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the issue of delinquent property taxes owed to towns and cities by certain condominium unit owners.

SENATOR J. KING: I move the adoption of the committee amendment.

SENATOR PODLES: Senator King, I am concerned about the amendment. Could you explain the amendment to me? I have a lot of condominiums in my district.

SENATOR J. KING: What they have done . . . they were concerned about the taxes, in the places that closed down and left the taxes. There was so much confusion from the discussions and questions that they referred to a study committee and it is now in a study committee to look at the whole picture that came in.

SENATOR PODLES: Thank you.

Amendment adopted.

Ordered to third reading.

SB 638-FN, an act relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections. Finance Executive Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 515, an act making separation of alternate jurors from other jurors during jury deliberations discretionary. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

4866B

Amendment to SB 515

Amend the title of the bill by replacing it with the following:

AN ACT

relative to requirements for alternate jurors.

Amend RSA 500-A:13, III as inserted by section 1 of the bill by replacing it with the following:

III. The alternate jurors shall be liable as regular jurors for failure to attend the trial or to obey any order or admonition of the court to the jury. They shall receive the same compensation as other jurors. At the final submission of the case to the jury, any remaining alternate jurors who have not been substituted under paragraph IV, [shall] *may be excused by the court or, if required to remain at court, shall* be kept separate and apart from the other jurors in an appropriate place, subject to the same rules and orders as the jurors, until the jury has agreed upon a verdict or has been otherwise discharged.

AMENDED ANALYSIS

This bill revises a requirement that alternate jurors be kept separate and apart from other jurors after final submission of the case and until the jury has agreed upon a verdict or has been otherwise discharged, to allow the court to excuse alternate jurors before final disposition of the case.

SENATOR HOLLINGWORTH: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 521, an act making it a violation to leave the scene of a skiing collision or accident without providing certain information. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee. 4870B

Amendment to SB 521

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study skiing accident laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established to Study Skiing Accident Laws. There is established a committee to study skiing accident laws, including issues of liability and the design and content of warning signs used at ski areas. The committee shall consist of the following members:

I. Two senators, appointed by the senate president.

II. Two representatives, appointed by the speaker of the house.

III. One representative of Ski New Hampshire, appointed by such organization.

IV. One representative of the department of resources and economic development, designated by the commissioner.

V. Two members of the public, appointed by the governor.

2 Meetings; Mileage. The first-named senator shall call the first meeting of the committee within 60 days of the effective date of this act. The committee shall select a chairperson at its first meeting. Legislative members shall receive mileage at the legislative rate.

3 Report. The committee shall submit a report, including its findings and recommendations for legislation, to the governor, the senate president, and the speaker of the house on or before November 1, 1994.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study skiing accident laws.

SENATOR HOLLINGWORTH: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 548-FN, an act relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants. Judiciary Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 557, an act providing that out-of-state same-gender marriages shall not be recognized as valid in New Hampshire. Judiciary Committee. Inexpedient to legislate. Senator Cohen for the committee.

Senator Cohen moved to have **SB 557**, an act providing that out-of-state same-gender marriages shall not be recognized as valid in New Hampshire, laid on the table.

A roll call was requested by Senator Wheeler.

Senator Wheeler withdrew his request for a roll call.

Recess.

Out of recess.

Question is on the motion to lay SB 557 on the table.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: W. King, Fraser, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: Lamirande, MacDonald, Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 12 - Nays: 11

SB 557 is laid on the table.

SB 568, an act relative to victims' rights. Judiciary Committee. Inexpedient to legislate. Senator Cohen for the committee.

SENATOR COHEN: I move the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 587, an act revising the penalty provision for carrying a weapon without a license. Judiciary Committee. Ought to pass with amendment. Senator Colantuono for the committee.

4871B

Amendment to SB 587

Amend the title of the bill by replacing it with the following:

AN ACT

revising the penalty provision for carrying a weapon without a valid license.

Amend the bill by replacing section 1 with the following:

1 Carrying a Weapon Without a Valid License; Penalty Modified. Amend RSA159:4 to read as follows:

159:4 Carrying Without License. No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a *valid* license therefor as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. Whoever violates the provisions of this section shall, for the first such offense, be guilty of a misdemeanor. For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, *provided such second or subsequent violation has occurred within 7 years of the previous conviction.*

AMENDED ANALYSIS

This bill requires that to be convicted of a class B felony second offense of carrying a pistol or revolver without a valid license, the previous conviction shall have occurred within 7 years.

SENATOR COLANTUONO: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 597, an act prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states. Judiciary Committee. Ought to pass with amendment. Senator Baldizar for the committee.

4869B

Amendment to SB 597

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting the enforcement of judgments rendered in other states
for failure to pay income tax on pensions to those states,
or with respect to income earned at the
Portsmouth Naval Shipyard.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Judgments for Failure to Pay Income Tax on Pensions or With Respect to Income Earned at the Portsmouth Naval Shipyard. Amend RSA 524 by inserting after section 11 the following new section:

524:12 Judgments for Failure to Pay Income Tax on Pensions. All property in this state of a judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax assessed on benefits received from a pension or other retirement plan, or with respect to income earned by an employee at the Portsmouth Naval Shipyard of Portsmouth, New Hampshire, or with respect to income of the spouse of such shipyard employee shall be exempt from attachment, garnishment of wages, trustee process, or forced sale under process of any court, and no such judgment or execution based thereon shall be a lien on such property.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill prohibits New Hampshire courts from enforcing judgments rendered in other states for failure to pay income tax on pensions and other retirement plans or with respect to income earned at the Portsmouth Naval Shipyard through attachment, garnishment of wages, trustee process, or any other forced sale process against property the judgment debtor owns in New Hampshire.

SENATOR BALDIZAR: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 618, an act changing the title of juvenile services officers to juvenile probation-parole officers. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

4862B

Amendment to SB 618

Amend the title of the bill by replacing it with the following:

AN ACT

changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation."

Amend the bill by replacing all after section 2 with the following:

3 Adult Probation-Parole Officers; Reference Clarified. Amend the introductory paragraph of RSA 21-H:8, VIII to read as follows:

VIII. The commissioner shall, in accordance with state personnel rules and the appropriation made therefor, appoint **adult** probation-parole officers. Such officers shall be classified employees and shall have all the duties, powers and responsibilities conferred by law on state **adult** probation officers and assistant state **adult** parole officers. **Adult** probation-parole officers who complete a course of training prescribed by the commissioner after consultation with the police standards and training council, shall have the authority to:

4 Changing "Conditional Release" to "Juvenile Probation." Amend RSA169-A:9-a to read as follows:

169-A:9-a [Conditional Release] **Juvenile Probation**. An adjudicated juvenile placed on probation or parole as such term is used in the interstate compact on juveniles is on [conditional release] **juvenile probation** as defined in RSA169-B:2, [V] **VIII**.

5 Reference Changes. Amend the following provisions by replacing "conditional release" with "juvenile probation": RSA169-B:2, VIII; 169-B:5, III; 169-B:19, I(d); 169-D:2, VI; 169-D:4, III; and 169-D:17, I(a)(2).

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the title of juvenile services officers to juvenile probation-parole officers, and changes the term "conditional release" to "juvenile probation" as it relates to juveniles adjudicated delinquent and placed on probation.

SENATOR HOLLINGWORTH: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 656, an act repealing the chapter regarding the subversive activities act. Judiciary Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I moved the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 683, an act authorizing the award of punitive damages and attorneys' fees for violations of the human rights laws. Judiciary Committee. Inexpedient to legislate. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of inexpedient to legislate.

Recess.

Out of recess.

Senator Lamirande moved to have **SB 683**, an act authorizing the award of punitive damages and attorneys' fees for violations of the human rights laws, laid on the table.

Senator Lamirande withdrew the motion.

SENATOR COHEN: This bill would authorize the awarding of punitive damages and attorneys fees to victims of human rights violations. The study committee on HB 244 met several years ago to address this and the Human Rights commission at the time recommended the awarding of compensatory damages and attorneys fees to the victims of discrimination of human rights violations. The legislature passed the study committee recommendation last year and the committee felt that the Human Rights commission was working within the guidelines set down for them and we should allow them the opportunity to do so. The committee has recommended inexpedient to legislate. The compensatory damages are in place and attorneys' fees can be covered as well. It just doesn't seem like this is a necessity that would set precedent. Thank you.

SENATOR LAMIRANDE: I do have a question that would be addressed to Senator Colantuono, he could probably answer that question for me before I speak to this. Is that okay?

SENATOR COHEN: I defer to Senator Colantuono to answer a question from Senator Lamirande.

SENATOR LAMIRANDE: Senator Colantuono, could you just elaborate or expand on compensatory damages?

SENATOR COLANTUONO: Compensatory damages means those damages which will actually compensate you for your actual losses. In a human rights violation case for example, a discriminatory firing, a person could get back wages if he had psychiatric treatment for emotional distress. People could get compensated for those bills and they could get attorneys' fees. In other words, the law that we have in place right now allows a person to be made financially responsible for all of their losses. The only thing that our law does not grant someone is punitive damages, and punitive damages are not allowed in any other field in the New Hampshire law that I am aware of right now, and that is why the committee felt that it would set a bad precedent.

SENATOR LAMIRANDE: Punitive damages would encompass what?

SENATOR COLANTUONO: Punitive damages under the law are designed to punish the wrongdoer. It is almost like a fine, but it goes to the plaintiff rather than to the state. Matter of fact, there has been a great move around the country to get rid of punitive damages. The Supreme Court has held that they are subject to the eight amendment restrictions on excessive fines. Legislators across the country have been passing laws to repeal punitive damage rights because they are too expensive and they lead to outrageous runaway verdicts and it gives the legal system a bad name. In New Hampshire the reason that we have such a well running legal system and court system in this area is that we have never allowed punitive damages and that is why you never see the runaway verdicts in New Hampshire.

SENATOR LAMIRANDE: Senator Colantuono, would you not say that administrative fines are imposed right now under the law and that would be considered similar to, not the same as, but similar to punitive damages, but they go to the state as opposed to the individual that has been discriminated against?

SENATOR COLANTUONO: That is exactly right.

SENATOR LAMIRANDE: Would you not also say that by enacting punitive damages that this would send the message out to states that the state of New Hampshire will not put up with discriminatory actions and that employers would be more or less apt to abide by the law?

SENATOR COLANTUNO: Well, I personally believe that we have such a stringent law now where as a person can get compensatory damages and attorneys fees, plus the commission can assess administrative fines against the business that I think that there is a very strong incentive for businesses to follow the law now and I don't think that we need to make it any stronger.

SENATOR LAMIRANDE: Thank you.

SENATOR HOLLINGWORTH: Senator Colantuono, I know that you were aware of the study that went on just last year on this issue and as I recall, and I am asking you to help me refresh my memory, one of the reasons that we didn't do punitive damages was that New Hampshire does . . . even from the most aggressive kind of crimes in New Hampshire, we haven't gone the punitive route, is that not true?

SENATOR COLANTUONO: That is right.

SENATOR HOLLINGWORTH: Thank you.

SENATOR CURRIER: Senator Cohen, in a newspaper report recently, Forbes Magazine indicated that New Hampshire was the ninth litigious state in the nation. If we did punitive damages wouldn't there be a tendency to increase that to a higher level in New Hampshire?

SENATOR COHEN: That is not a record that I seek to increase, thank you, a good question.

Committee report of inexpedient to legislate is adopted.

Senator Lamirande in opposition to inexpedient to legislate on SB 683.

SB 732-FN, an act establishing the position of substance abuse statistics coordinator. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

4865B

Amendment to SB 732-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Position Created. Amend RSA 172-B by inserting after section 5 the following new section:

172-B:6 Statistics Coordinator. Notwithstanding RSA 172-B:5, a substance abuse statistics coordinator position shall be established in the office of alcohol and drug abuse prevention, who shall be under the direction of the director. The substance abuse statistics coordinator shall compile and coordinate statistics relative to substance abuse prevention. The position shall be classified with a salary set by the commissioner of health and human services.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes the position of substance abuse statistics coordinator in the office of alcohol and drug abuse prevention. The position is to be classified with the salary set by the commissioner of health and human services.

SENATOR HOLLINGWORTH: I move the adoption of the committee amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 751-FN, an act deleting the restriction on the number of hours which part-time assistant attorneys general may work. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: Mr. President and Senators, SB 751 is a request of the Department of Justice. It deletes the restrictions of the number of hours in which part-time assistant attorneys general may work. The department currently employs two part-time attorneys general who work approximately 14 to 17 hours each week and the restriction is no longer necessary. The committee recommends ought to pass.

Adopted.

Ordered to third reading.

CACR 36, an act Relating To: powers of state courts. Providing That: courts have no inherent powers and have only those powers specifically granted in the New Hampshire constitution and New Hampshire laws, and all rules of the court shall be subject to legislative approval. Judiciary Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: Mr. President, CACR 36 runs counter to part II article 90 of the state constitutions and this is a clear and concise separation of all power and duties of the three branches of government in the constitution; Therefore, CACR 36 crosses that line, and the committee urges inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 546-FN, an act relative to attorneys' fees on lump sum payments under workers' compensation. Insurance committee. Inexpedient to legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 579-FN, an act relative to group II death benefits under the New Hampshire retirement system. Insurance committee. Ought to pass with amendment. Senator Shaheen for the committee.

4686B

Amendment to SB 579-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Accidental Death Benefits; Group II Members. Amend RSA 100-A:8, II to read as follows:

II. Group II Members.

(a) If, upon the receipt by the board of trustees of proper proof of the death of a group II member in service indicating that such death was the natural and proximate result of an accident occurring while in the performance of duty at some definite time and place, *or as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty or arising out of and in the course of employment or of any occupational disease arising out of or in the course of employment, as defined by RSA 281-A:2, XI and found to be compensable by the commissioner of labor pursuant to RSA 281-A:43*; the board decides that death was the result of an accident in the performance of duty and not caused by willful negligence on the part of the member, a state annuity shall be paid to [his widow] *the*

member's surviving spouse, to continue [during her widowhood] *until the surviving spouse remarries*; or if there is no [widow] *surviving spouse*, or if the [widow] *surviving spouse* dies or remarries before the youngest child of the deceased member has attained age 18, then to [his] *the deceased members'* child or children under such age, divided in such manner as the board in its discretion shall determine, to continue as a joint and survivorship state annuity for the benefit of such child or children under said age until every child dies or attains said age; or if there is no [widow] *surviving spouse* or child under age 18 living at the death of the member, then to [his] *the member's* dependent father or dependent mother as the board shall determine, to continue for life[; or if the deceased member is a female, the foregoing benefits shall be payable to her widower, children or dependent parents only in like manner and amount]; provided that if none of the aforementioned beneficiaries is living at the death of the member no benefit shall be payable under the provisions of this section.

(b) Upon the accidental death of a group II member the amount of the state annuity payable shall be equal to 50 percent of the member's annual rate of earnable compensation at the date of [his] *the member's* death.

2 Application. The provisions of RSA 100-A:8, II, as amended by section 1 of this act, shall apply to any appeal before the New Hampshire retirement system board of trustees for accidental death benefits which is pending on the effective date of this act.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adds additional causes to the causes of death for which the surviving spouse of a group II retirement system member may receive accidental death benefits. The additional causes of accidental death include repeated trauma or gradual degeneration, and occupational disease.

The provisions of the bill would apply to appeals which are pending on the effective date of the bill before the New Hampshire retirement system board of trustees concerning accidental death benefits.

SENATOR SHAHEEN: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 668-FN-LOCAL, an act abolishing the New Hampshire retirement system special reserve account. Insurance Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

Senator Disnard (Rule #42).

SB 695, an act relative to the financial regulation of life and health insurers. Judiciary Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I moved the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 700-FN-LOCAL, an act relative to reinstatement of workers sustaining compensable injuries. Judiciary Committee. Inexpedient to legislate. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 742-FN, an act making the workers' compensation premium for domestics optional. Judiciary Committee. Inexpedient to legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: This is the three dollar charge that would be put onto your insurance bill in case someone gets hurt. Senator Cohen felt that it was the best buy in the insurance industry and we felt that it would open some real problems, so we made it inexpedient to legislate.

SENATOR MCLANE: Would this have saved people who didn't pay their workers compensation? Would this have saved them if it would have been optional?

SENATOR BLAISDELL: I don't think so, but maybe, I don't know that answer.

SENATOR SHAHEEN: Senator McLane, I can assist Senator Blaisdell in that answer. Whenever you purchase your homeowners insurance, there is a provision in the policy that provides for worker's compensation coverage should somebody who is working for you, a plumber, anybody who is doing work on your home, get hurt. That is the three dollar charge that Senator Blaisdell was referring to. I assume that particular person you were referring to had that as part of her homeowners policy so I don't think that would have saved her.

Committee report of inexpedient to legislate is adopted.

SB 530-LOCAL, an act relative to town liability for riot damage. Public Affairs Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 537, an act relative to bonds issued by certain chartered towns. Public Affairs Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 553, an act repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake. Public Affairs Committee. Ought to pass with amendment. Senator Delahunty for the committee.

4645B

Amendment to SB 553

Amend the title of the bill by replacing it with the following:

AN ACT

repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake and permitting a dam to be constructed on Province Lake in the town of Effingham.

Amend the bill by replacing all after section 1 with the following:

2 Purpose. The general court declares that it is in the best interests of both the littoral owners around Province Lake in Effingham and the people of New Hampshire to control the waters of this great pond and to establish a constant water level by allowing the construction of a dam at its natural outlet.

3 Dam Construction Authorized. The Province Lake Association, a non-profit corporation, is specifically authorized to construct a dam at the natural outlet of Province Lake in the town of Effingham. The Province Lake Association shall apply for a permit as required by RSA 482:7. The dam owner shall not infringe upon the property rights of the littoral owners. The operation of the dam shall be subject to the provisions of RSA 482:79.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake.

This bill also authorizes the Province Lake Association, a nonprofit corporation to construct a dam at the natural outlet of Province Lake in the town of Effingham.

SENATOR DELAHUNTY: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 566-LOCAL, an act relative to membership on city planning boards. Public Affairs Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I moved the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 657-LOCAL, an act creating an optional form of legislative body for town government. Public Affairs Committee. Inexpedient to legislate. Senator Barnes for the committee.

SENATOR BARNES: I moved the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

CACR 38, an act Relating To: term limits for federal and state representatives. Providing That: the terms of office for the members of the United States Congress from New Hampshire and for the members of the New Hampshire house and senate shall be limited to 12 years. Public Affairs Committee. Ought to pass with amendment. Senator J. King for the committee.

4703B

Amendment to CACR 38

Amend the title of the resolution by replacing it with the following:

RELATING TO: term limits for certain federal and state offices.

PROVIDING THAT: the terms of office for the members of the United States Congress from New Hampshire shall be limited to 12 years, and for the members of the New Hampshire house and senate shall be limited to 10 years.

Amend the resolution by replacing paragraphs I-III with the following:

I. That article 14 of the second part of the constitution be amended to read as follows:

[Art.] 14 [Representatives, How Elected, Qualifications of.]

I. Every member of the house of representatives shall be chosen by ballot; and, for two years, at least, next preceding his election shall have been an inhabitant of this state; shall be, at the time of his election, an inhabitant of the town, ward, place, or district he may be chosen to represent and shall cease to represent such town, ward, place, or district immediately on his ceasing to be qualified as aforesaid. No person shall be elected to or serve as a member of the house of representatives, nor shall the secretary of state or other authorized official accept or certify a person's nomination petition, nor print or cause to be printed on any ballot or ballot label for the office specified, the name of any person, if the person, by the end of the current term of office, shall have served, or but for resignations, would have served more than 5 consecutive terms or 10 consecutive years as a state representative.

II. Terms served prior to November 1994 shall not be counted for the purpose of this act.

III. A candidate elected to fill a vacancy created in a state representative seat shall not be considered as part of the 10 consecutive year term limitation.

II. That article 27 of the second part of the constitution be amended to read as follows:

[Art.] 27 [Election of Senators.]

I. The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall biennially give in their votes for a senator, at some meeting holden in the month of November. No person shall be elected to or serve as a state senator, nor shall the secretary of state or other authorized official accept or certify a person's nomination petition, nor print or cause to be printed on any ballot or ballot label for the office specified, the name of any person, if the person, by the end of the current term of office, shall have served, or but for resignations, would have served more than 5 consecutive terms or 10 consecutive years as a state senator.

II. Terms served prior to November 1994 shall not be counted for the purpose of this act.

III. A candidate elected to fill a vacancy created in a state senate seat shall not be considered as part of the 10 consecutive year term limitation.

III. That the second part of the constitution be amended by inserting after article 95 the following new article:

[Art.] 95-a [Limitation on Election of Congressional Representatives.]

I. No person shall be elected as a representative of New Hampshire to the United States Senate or to the United States House of Representatives by the voters of this state for more than 12 consecutive years.

II. Terms served prior to November 1994 shall not be counted for the purpose of this act.

III. A candidate elected to fill a vacancy created in a congressional seat shall not be considered as part of the 12 consecutive year term limitation placed on all United States representatives or senators.

Amend the resolution by replacing paragraph VI with the following:

VI. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to limit the terms of office for the members of the United States Congress from New Hampshire to 12 years, and for the members of the New Hampshire house and senate to 10 years?

AMENDED ANALYSIS

This constitutional amendment concurrent resolution limits the number of terms which a United States Senator and a United States Representative may serve. The resolution also limits the number of terms which members of the New Hampshire house and senate may serve.

No United States Senator from New Hampshire shall serve 12 or more years in the United States Senate, and no United States Representative from New Hampshire shall serve 12 or more years in the United States House of Representatives after November 1994.

No member of the New Hampshire house of representatives or New Hampshire senate shall serve more than 5 consecutive terms or 10 consecutive years after November 1994.

SENATOR J. KING: I move the adoption of the committee amendment.

Amendment adopted.

Senator Barnes moved to have **CACR 38**, an act Relating To: term limits for federal and state representatives. Providing That: the terms of office for the members of the United States Congress from New Hampshire and for the members of the New Hampshire house and senate shall be limited to 12 years, laid on the table.

Adopted.

LAIID ON THE TABLE

CACR 38, an act Relating To: term limits for federal and state representatives. Providing That: the terms of office for the members of the United States Congress from New Hampshire and for the members of the New Hampshire house and senate shall be limited to 12 years.

SB 692, an act establishing a streamlined durable power of attorney for health care. Public Institutions, Health and Human Services Committee. Interim study. Senator McLane for the committee.

SENATOR MCLANE: This was an attempt by some on a committee that has been working with the medical society to get more people to sign durable powers of attorney for health care by streamlining the bill. We finally decided that wasn't quite the way to go about it. What I want you all to remember is that I have passed these papers out to you once before and I bet that half of you don't have one. Everyone should have a durable power of attorney for health care because at any time if you become unable to speak for yourself you should have it very clear who you would like to speak for you. This is the form in which the Hospital Association is given. If you

go to the hospital they will give you this form before you go in, but you ought to do it now. I am passing them out again, and I want you all to think about it, and to take care of yourselves.

Committee report of Interim Study is adopted.

SB 702-FN-A, an act relative to congregate housing and making an appropriation therefor. Public Institutions, Health and Human Services Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 749-FN, an act relative to the workers' personal care assistance program. Public Institutions, Health and Human Services Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 750-FN, an act relative to the medical examiner and establishing a committee to study the office of the medical examiner. Public Institutions, Health and Human Services Committee. Ought to pass. Senator Wheeler for the committee.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 785, an act establishing a committee to review the current procedures of the central registry in the department of health and human services. Public Institutions, Health and Human Services Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 634, an act establishing a committee to study and promote the use of non-motorized transportation. Transportation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 678, an act establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means. Transportation Committee. Ought to pass with amendment. Senator Roberge for the committee.

4803B

Amendment to SB 678

Amend paragraph I of section 2 of the bill by inserting after subparagraph (l) the following new subparagraphs:

(m) One member of the New Hampshire Motor Transporters Association, appointed by the governor.

(n) One member of the Greater Nashua Chamber of Commerce, appointed by the governor.

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. The committee shall submit a report and recommend legislation to the speaker of the house, senate president and governor no later than December 1, 1994.

SENATOR ROBERGE: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 686, an act reclassifying a portion of Stratham Heights Road in the town of Stratham. Transportation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 761-A, an act relative to rehabilitating the rail lines of class III railroads and making an appropriation therefor. Transportation Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 781-A, an act requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated. Transportation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 794-A, an act making a capital appropriation for highway transportation infrastructure. Transportation Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: SB 794, the state of New Hampshire has failed to care for its secondary road system for a great many years. The money provided by this bill is necessary because these roads do not receive federal funds. The state is a less attractive place for businesses when the secondary road system fails to be as good as the other roads. Last year the state paved over 650 miles of roads, but this year the funding is only for 350 miles of pavement. The one time provision for last year won't help this

year. Even if we pass it now, the potholes that we have now won't be fixed. Now what has to happen is that the Department of Transportation has to set up a program like the 10-year plan and have it approved by the Capital Budget Committee and then after their approval, we will use the money.

SENATOR COLANTUONO: The first question I have is did the state treasurer testify as to whether this bonding would fit within the general bonding capacity of the state of New Hampshire at the present time?

SENATOR MACDONALD: She wasn't present, but it is my understanding that she worked with the bill.

SENATOR COLANTUONO: Was there any representative from the governor's office or any indication of the governor's office that the budget director in that office agrees with this appropriation?

SENATOR MACDONALD: No one appeared at the hearing. No one testified from there at our committee hearing.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 801-A, an act making an appropriation to the department of transportation equipment inventory fund. Transportation Committee. Ought to pass with amendment. Senator MacDonald for the committee.

4651B

Amendment to SB 801-A

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the department of transportation's authority to obtain certain bonds from 5-year bonds to 10-year bonds.

Amend the bill by replacing all after the enacting clause with the following:

1 Increasing 5-Year Bonds to 10-Year Bonds. Amend 1992, 289:39 to read as follows:

289:39 Bonds. To provide funds for the appropriation in section 38 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The bonds shall be [5-year] **10-year** bonds.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows the department of transportation to obtain 10-year bonds for the purpose of purchasing motor vehicles and construction equipment under 1992, 289:39. Currently the bonds authorized are 5-year bonds.

SENATOR MACDONALD: I move the adoption of the committee amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 578-LOCAL, an act relative to the collection of property taxes in certain municipalities. Ways and Means Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 610, an act allowing municipalities to vote to impose a resident tax of up to \$1,000 to aid in property tax relief. Ways and Means Committee. Inexpedient to legislate. Senator Russman for the committee.

SENATOR RUSSMAN: The committee would respectfully ask the other members of the body to vote this inexpedient to legislate. There is a slight postscript, if you will, that my constituency in Derry is burdened with severe real estate taxes, and I mean severe. Seven thousand and eight thousand dollar tax bills are not unheard of. Some of them went up this past year as much as \$2,500 in one year which is substantial to say the least. So the Derry Taxpayers Association's people had asked one of the representatives, Sandra Dowd, if she would put in a bill for head tax, but it was too late. She then approached me, and this was at her request of our constituents that I put that in. After the taxpayers had a good opportunity to really crunch the numbers and really work with it for a period of time . . . and when this was put in, I might add, it was at the time when the tax bills had just come out and the people were wild to say the least, about the increases and literally trying to grasp at anything that might even slightly smell of some relief. So they sent me a very nice letter asking me . . . stating their concerns that they felt that perhaps it wasn't the vehicle to use, and asked me to withdraw my support of the legislation. So at their request I am doing that. I would be happy to answer any questions or take the bait or whatever anyone else would like to throw. I move the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 696-LOCAL, an act requiring the department of revenue administration to base its determination of total equalization in small towns on 3 years of property sales and assessments in such towns. Ways and Means Committee. Inexpedient to legislate. Senator McLane for the committee.

SENATOR MCLANE: Mr. President, at the risk of your thinking that there is something fishy about Ways and Means, I would say that this bill has the same thing as the Nelson selectmen have asked Senator Disnard to put in it and they have now asked him to withdraw it. I move inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 165, an act relative to certification of landscape architects. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Cohen for the committee.

4268B

Amendment to SB 165-FN

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 and 2 to read as 2 and 3, respectively:

1 Administrative Attachment. Amend RSA 5:13 to read as follows:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission, the board of accountancy, *the board of landscape architects*, and the joint board of engineers, architects, land surveyors, [and] natural scientists, *and forest-*

ers shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

Amend RSA 310-C:1, IV as inserted by section 2 of the bill by replacing it with the following:

IV. "Landscape architecture" means the rendering of professional service such as consultation, investigation, research, land planning, design, preparation of drawings and specifications, or responsible observation of construction in connection with the development of land areas. Such services relate to the preservation, enhancement, or determination of proper land uses, including natural land features, planting, naturalistic and aesthetic values, the settings and approaches to structures or other circulation improvements, the shaping and contouring of land and water forms, and determining environmental impacts and problems of land, including erosion, sedimentation, and other hazards. Performance of services shall be in accordance with accepted professional standards for public health, safety and welfare, and as may be prescribed by local or state authorities. This definition does not include the design of structures or facilities as are ordinarily included in the practice of engineering or architecture as defined in RSA 310-A, the making of final land plots for official recording or approval as are ordinarily included in the practice of land surveying, or the preparation of planting plans and incidental items by gardeners or landscape contractors.

Amend RSA 310-C:2, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Have been in responsible charge of landscape architectural services for at least 5 years, or engaged in the teaching of the profession, or both.

Amend RSA 310-C:2, VI as inserted by section 2 of the bill by replacing it with the following:

VI. The board shall be an administratively attached agency, under RSA21-G:10, to the office of the secretary of state, department of state.

Amend RSA 310-C:3, II(a) as inserted by section 2 of the bill by replacing it with the following:

(a) The application procedure for certification under this chapter.

Amend RSA 310-C:5, I as inserted by section 2 of the bill by replacing it with the following:

I. Each applicant for certification shall pay to the secretary an examination fee, entitling the applicant to an initial examination.

Amend RSA 310-C:5, III as inserted by section 2 of the bill by replacing it with the following:

III. The board shall establish and publish criteria for evaluating equivalent practical work experience by grade, quantity, and character of work.

Amend RSA 310-C:5, VI(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Performed these services in a generally accepted manner.

Amend RSA 310-C:7, III as inserted by section 2 of the bill by replacing it with the following:

III. A candidate failing any section of the examination may apply for reexamination of any section failed upon payment of an additional examination fee determined and published by the board, and shall be reexamined on the next regularly scheduled examination date. A candidate failing the entire examination or any section of the examination 3 consecutive times shall be required to furnish evidence of additional experience, study or education credits acceptable to the board before being allowed to retake the entire examination.

Amend RSA 310-C:8 as inserted by section 2 of the bill by replacing it with the following:

310-C:8 Exemptions. Nothing in this chapter shall be construed to prohibit:

I. The services offered by officers and employees of the government of the United States while engaged within this state with the title of landscape architecture for the federal government.

II. The practice of landscape architecture by a professional engineering proprietorship, corporation, or partnership, provided that such entity shall employ a full-time, certified landscape architect.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill provides for the certification of landscape architects and provides that only those people shall be allowed to use the designation "certified architect." The bill does not preclude others from doing landscape architect activities, but prevents them from using the title of "certified architect."

The bill establishes a board of 4 landscape architects and one public member. The board's duties include establishing application and examination procedures, and criteria for certification. The board is given rulemaking authority in these and other areas. Certification shall be allowed for examination performance or educational or work experience.

The board may waive education and examination requirements for certification of present landscape architects with minimum qualifications for 6 months after passage of the bill.

SENATOR COHEN: Many of us remember that this matter has been with the Senate before, we passed it through to the House once before. Last year in the eleventh hour, opposition appeared and we ended up with the referral of the bill. Recently an outstanding effort was put forth by the landscape architects and engineers and the land surveyors to address the concerns of everyone involved as well as specific concerns expressed by the Senate members. At a committee hearing in December, the engineers came to the committee and stated that their objections had been overcome. They had no objection to the bill as written now. Another change in the language satisfied the concerns of the land surveyors. There has been a diligent and concentrated effort to reach an accord of all professions involved in this matter and those efforts have been entirely successful. There are a number of reasons why this bill should pass. The public doesn't have the capability nor should we expect them to become knowledgeable of the specific capabilities required of a person or a firm in order for the public to obtain quality and safe technical design. Many cities such as Manchester, the city of Concord, the city of Nashua, require that in order to bid, errors and omissions of insurance are often required. Many New Hampshire landscape architects are required to obtain certification by paying fees to another state, certification from that state in order to bid on federal and some municipal contracts which call for certification, and a signature, and a seal of certified landscape architect in order to even bid on the projects. Further public safety is an issue. There are identified instances where a non qualified landscape contractor did architectural work which ended up endangering people and damaging valuable property. This bill does not inhibit landscape contractors, nursery owners or other persons involved in the business from doing their specific work. As I said, major cities and towns in New Hampshire specify requirements in many bidding situations which dictate, not suggest, dictate, that a professional landscape architect must be in charge of the project, and additionally, must sign and seal official plans.

How can we continue to deny New Hampshire businesses the ability to compete with out of state licensees with New Hampshire dollars after a great deal of work has been done on this and all sides have come to an agreement, and have agreed that this bill as amended ought to pass?

SENATOR W. KING: Senator Cohen, this is at least nominally labeled as a certification bill. Does that in fact mean that people can continue to do business and call themselves 'landscape architects', 'professional landscape architects' and other things, so long as they do not hold themselves out to be certified?

SENATOR COHEN: Yes, I believe it does. They just can't say that they're certified if they aren't, that is the protection.

SENATOR W. KING: Senator Cohen, on the bottom of page 32 it says, "310-C:8, II. The practice of landscape architecture by a professional engineering proprietorship, corporation, or partnership, provided that such entity shall employ a full-time, certified landscape architect." It is my understanding from the discussions that this is an error. That there is an error in the way that this is drafted, and that you folks have agreed to ask the House when it gets over to them to just make sure that it is 'certified landscape architect' alone so that people can continue to practice?

SENATOR COHEN: Yes. Just insert the word 'certified'.

Recess.

Out of recess.

Amendment adopted.

Ordered to third reading.

SB 547-FN-A, an act authorizing the state to acquire recreational property on Lake Winnepesaukee and making an appropriation therefor. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Cohen for the committee.

4722B

Amendment to SB 547-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose. Under the impact of a steadily increasing population and the continuing development of land for residential and second homes, few large tracts of waterfront property suitable for use as a state park, forest, or wildlife management area remain available in New Hampshire. The Camp Alton property in Alton, New Hampshire and the Patenaude property in Boscawen, New Hampshire are two such properties. The Camp Alton property is a piece of approximately 60 acres with over 4,000 feet of water frontage on Lake Winnepesaukee. The Patenaude property is approximately 970 acres and contains the 77 acre Patenaude's Pond, one of southern New Hampshire's largest undeveloped water bodies. These tracts of land represent significant waterfront properties that should be preserved for the protection of important wildlife habitat, and the enjoyment and benefit of the citizens of New Hampshire and the countless tour-

ists from other states and countries who visit New Hampshire each year. Therefore the general court finds that the acquisition of the Camp Alton and Patenaude properties would be an asset to the state and supports their acquisition for the use and enjoyment of the people of New Hampshire.

2 Authorization.

I. The commissioner of the department of resources and economic development, with the consent of the governor and council, is hereby authorized to acquire, in the name of the state, the Camp Alton property, containing approximately 60 acres with the improvements thereon, including dock facilities, athletic fields, tennis courts and recreation buildings located in Alton, from Camp Alton, Inc.

II. The executive director of the department of fish and game, in conjunction with the commissioner of the department of resources and economic development, with the consent of the governor and council, is hereby authorized to acquire, in the name of the state, the Patenaude property, containing approximately 970 acres and the 77 acre Patenaude's Pond, with improvements thereon, located in Boscawen, New Hampshire from E.K. Associates.

3 Appropriation.

I. The sum of \$1 is hereby appropriated to the department of resources and economic development for the fiscal year ending June 30, 1995, for the purchase of the property described in paragraph I of section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$1 is hereby appropriated to the department of fish and game for the fiscal year ending June 30, 1995, for the purpose described in paragraph II of section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of resources and economic development to acquire the Camp Alton property in Alton, New Hampshire for use as a state park and makes an appropriation for this purpose.

This bill also authorizes the director of the department of fish and game in conjunction with the department of resources and economic development to acquire the Patenaude property and pond in Boscawen, for use as a state park or wildlife management area and makes an appropriation for this purpose.

SENATOR COHEN: I move the committee amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 586, an act relative to licensing of cats. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Roberge for the committee.

4800B

Amendment to SB 586

Amend the title of the bill by replacing it with the following:

AN ACT

relative to licensing of cats and allowing municipalities
to require cat identification.

Amend the bill by replacing all after section 1 with the following:

2 New Subdivision; Licensing of Cats. Amend RSA 466 by inserting after section 13 the following new subdivision:

Licensing of Cats

466:13-a Licensing of Cats. The governing body of a municipality may vote to license cats in a similar manner as it licenses dogs. If a municipality elects to license cats, the same penalties shall apply for unlicensed cats as for unlicensed dogs, and the provisions of RSA 466:6-a and 466:8 of the preceding subdivision shall not apply to cats. If a municipality elects to license cats, it shall also develop a procedure similar to the procedure in RSA 466:4, III and 466:6 for group licensure.

3 Statement of Purpose. The general court recognizes that the public health is threatened by the rapid spread of the strain of rabies permeating the northeast and, therefore, the general court intends in section 4 of this act to establish a procedure for identifying cats and ownership of such cats to determine rabies immunization statutes. The general court also recognizes the need to protect ownership of cats to establish the difference between owned and unowned cats in an effort to halt the euthanasia of cats which are owned but unidentified.

4 New Subdivision; Identification of Cats. Amend RSA 466 by inserting after section 54 the following new subdivision:

Cat Identification

466:55 Cat Identification. The governing body of a municipality shall require cats to have a form of identification, including, but not limited to a tattoo, collar, surgically implanted microchip or ear tag, or any other form approved by the commissioner of agriculture. The commissioner of agriculture shall adopt rules, under RSA 541-A, relative to the forms of identification.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows municipalities to license cats in the same manner as it licenses dogs.

This bill also requires municipalities to require cats to have a form of identification such as an ear tag, microchip, tattoo, collar, or other form approved under rules adopted by the commissioner of agriculture.

SENATOR ROBERGE: Tape inaudible.

Amendment adopted.

Senator Roberge offered a floor amendment.

4928B

Floor Amendment to SB 586

Amend the title of the bill by replacing it with the following:

AN ACT

relative to licensing of cats and cat identification.

Amend the bill by replacing all after section 1 with the following:

2 Statement of Purpose. The general court recognizes that the public health is threatened by the rapid spread of the strain of rabies permeating the northeast and, therefore, the general court intends to allow municipalities to establish a procedure for licensing and identifying cats and ownership of such cats to determine rabies immunization status. The general court also recognizes the need to protect ownership of cats to establish the difference between owned and unowned cats in an effort to halt the euthanasia of cats which are owned but unidentified.

3 New Subdivision; Licensing of Cats. Amend RSA 466 by inserting after section 13 the following new subdivision:

Licensing of Cats

466:13-a Licensing of Cats. The governing body of a municipality may vote to license cats in a similar manner as it licenses dogs. If a municipality elects to license cats, the same penalties shall apply for unlicensed cats as for unlicensed dogs, and the provisions of RSA 466:6-a and 466:8 of the preceding subdivision shall not apply to cats. If a municipality elects to license cats, it shall also develop a procedure similar to the procedure in RSA 466:4, III and 466:6 for group licensure. If a municipality elects to license cats, it shall require cats to have a form of identification, including, but not limited to a tattoo, collar, surgically implanted microchip or ear tag, or any other form approved by the commissioner of agriculture. The commissioner of agriculture shall adopt rules, under RSA 541-A, relative to the forms of identification.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows municipalities to license cats in a similar manner as it licenses dogs. If a municipality elects to license cats, it shall require cats to have a form of identification such as an ear tag, microchip, tattoo, collar, or other form approved under rules adopted by the commissioner of agriculture.

SENATOR ROBERGE: TAPE INAUDIBLE . . . change that because it was not the intention of the committee to say that this bill allows municipalities to license cats in a similar matter. It was just a matter of cleaning up, and we didn't receive the calendar until rather late and I did not have a chance to review the fact that it was not exactly the way that it should have been and I am sorry for that. But, this is exactly the intent of the committee.

TAPE INAUDIBLE.

SENATOR ROBERGE: TAPE INAUDIBLE . . . and that can be a variety of different ways. And even the commissioner of agriculture, if he can think up an additional way that is suitable, that is entirely permissible as well.

SENATOR COLANTUONO: We have a system going already, but I am in the dark about the fees and now

SENATOR ROBERGE: It is enabling one.

SENATOR COLANTUONO: Right. But my question is: When it says, "licensing cats in a similar matter as it licenses dogs," does that mean that the fees are going to be exactly the same?

SENATOR ROBERGE: No, it doesn't. In the dog licensure fee, it has fifty cents going to the state laboratory, it has \$2 going to the animal population control fund, and then we have a member from the town clerks and the municipal association who serve on our pet overpopulation committee and they estimate that the cities and towns can probably charge another \$1.50 or maybe \$2. So the licensure fee would be somewhere around \$4 or \$4.50 for the licensure of cats, if in fact the town feels that they want to license cats. There are some towns who feel the rabies situation is so serious that they want to know where these cats are so that they can take care of the problems. I want to tell you that the pet overpopulation committee has been the hardest working committee that I have ever worked on. It has the state epidemiologists, the state vet, another vet, the town clerk, the municipal association, animal control officer and a number of other people on the committee, a member of dog owners, a member of cat

owners, and they all come to all of the meetings. We have been totally in accord on this piece of legislation. We have been asked by the people who came to our hearing to submit this piece of legislation. There are about 15 people for it and maybe one against it. That is a very, very, strong mandate to pass it, and I hope that the Senate will agree to do that.

SENATOR COLANTUONO: If we pass this bill and it says that the governing body of the municipality, which could be the board of selectmen, you could have a three person board and two people vote for it and it is in. Does that then mean that the governing body of the town can set whatever fee that it wants to license cats? Is there no statutory limitation on how much they can charge?

SENATOR ROBERGE: Why do we want to mandate what they charge? I don't think that we would want to do that.

SENATOR COLANTUONO: So that is the

SENATOR ROBERGE: They can charge what they want, yes, absolutely.

SENATOR PIGNATELLI: Senator Roberge, are they going to want their own licensing board after we give them this, the cats?

SENATOR ROBERGE: I don't think the cats will care an awful lot about it.

SENATOR BARNES: Senator Roberge, would you believe, that I certainly, hope that if a town or city adopts, this that some town doesn't neuter a prize cat?

SENATOR ROBERGE: Quite frankly, once they take a cat in, they could dispose of the cat, they may not have a cat neutered or not neutered. And I am happy that you mentioned that and that you got up to speak, because I think that it is the first time that you got up to speak today, Senator Barnes. And I am going to ask the president if I can ask you a question.

SENATOR ROBERGE: Mr. President, may I ask a question of Senator Barnes?

SENATOR HOUGH (In the Chair): I will make an exception to the rule. Yes, you may ask a question of Senator Barnes.

SENATOR BARNES: No, no question.

SENATOR ROBERGE: Oh.

SENATOR BARNES: Oh go ahead, Senator, I was just kidding. Because of decorum I will go ahead and take the abuse that you are about to give me.

SENATOR ROBERGE: Senator Barnes

SENATOR BARNES: Yes, ma'am.

SENATOR ROBERGE: I want you to give the name to everyone of the characters on your tie and make sure that you remember all seven of them.

SENATOR BARNES: This first one is Senator Roberge.

SENATOR ROBERGE: I am going to count seven. I knew that you couldn't do it. His tie has the seven dwarfs on it.

Floor amendment adopted.

Ordered to third reading.

Senator Lamirande in opposition to SB 586.

SB 714, an act relative to personal flotation devices. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Disnard for the committee.

4707B

Amendment to SB 714

Amend RSA 270-D:2, X as inserted by section 1 by replacing it with the following:

X. A personal flotation device shall be worn at all times, from October 15 to May 15, by any person aboard a power boat 16 feet in length or less which is equipped with a 15 horsepower motor or less, or a canoe, a kayak, a rowboat or a dinghy.

SENATOR DISNARD: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF THE RULES

Senator Russman moved that Senate Rule 17A and 17B be suspended to allow the introduction of Senate Bills after the deadline.

Adopted by the necessary 2/3 vote.

INTRODUCTION OF SENATE BILLS

Senator Russman offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the clerk, Senate Bills numbered 806 - 808 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

SB 806, relative to a capital appropriation for repair and restoration of the state house. (Hough, Dist. 5; Capital Budget)

SB 807-FN-Local, allowing the establishment of the Capital Wellness Center, Inc. (Hough, Dist. 5; McLane, Dist. 15; Public Institutions, Health and Human Services)

SB 808-Local, prohibiting cooperative school districts from making changes to their capital outlay and operational funding formulas from July 1, 1994, to July 1, 1997. (Hough, Dist. 5; Kidder, Merr. 2; Education)

Recess.

Senator Fraser in the Chair.

ANNOUNCEMENTS

SENATOR HOUGH (Rule #44): Seldom do I exercise my privilege to address the chamber under the provisions of personal privilege under rule #44. I do so today in recognition of a sad moment of a week ago when a young man who has dedicated himself not only to his community but to the Twin State Valley and the state of New Hampshire and the legislature of the state of New Hampshire, died suddenly. A young man in the prime of his life with a brave wife and two loving children was taken from us. When that happens, the angels cry. I refer to the death of Hanover Police Chief, Kurt Schimke, 41 years of age. A man who had set the standard for working with a young constituency at Dartmouth College. A man who understood that a college in a small community frequently would express itself in ways that could disrupt the tranquil community around him and yet he was able to work effectively with the young people to be responsible young adults. Yes, a man of authority, but a man of compassion.

Interestingly, his life came to an end on the courts of the local high school where he and other young men were enjoying an evening of basketball. He frequently worked with the youngsters that were classmates of his children in the Hanover school system.

Our enforcement officers from all over New England, from virtually every state in the east were in Hanover last weekend. My colleagues in the House, my colleague, Representative Nordgren who is with us today, was at the service for Chief Schimke. It was perhaps the most meaningful memorial service that I have attended. Clearly this was a man who was loved by this community.

I dare say that Senator Podles worked closely with him in the Judiciary Committee. He was frequently in the State House, frequently helping us with our deliberations. My colleagues in the House and I and the Speaker, have offered a joint Memorial Declaration and in its formality it will be forwarded to Mrs. Schimke and the children. But it is suitable and it is correct over and above the whereases and the formal declarations of memorial that on a personal note, that this chamber, the recorded Journals of this chamber which will go down in the history of the state of New Hampshire have the extended remarks.

I am proud to have been a neighbor and fellow public servant of Kurt Schimke. Yes, the community has lost a unique leader, but likewise, the state of New Hampshire in its policy making body in the state of New Hampshire will be without the wise counsel that we had for a number of short years. Thank you.

SENATOR BLAISDELL (Rule #44): This is the fourth time, members of the Senate, in the 24 years that I have been here that I have asked to speak to rule #44. There are two things: First of all, Senator Wheeler, I want to publicly apologize to you in this chamber for what I said when Rob Trowbridge came in here today. You have to understand that Senator Rob Trowbridge and I are great friends and that we have kidded each other over the past twenty something years and he is always saying that he is going to run against me and come back and take my seat on Senate Finance. I meant no harm to you, because I do know that he lives in Dublin. So I want that understood that I didn't mean any harm when I said that as I said when I went over and I told you that. As I have said, that I in the last 24 years, I have only used this Rule #44 four times, this is the fourth time. I am doing this today because other than my family and my children and my home, there is nothing that I love any more in this world than this Senate, and I want you to know that. So for some time, I have quietly listened in the past year, I have listened to Governor Merrill take credit for many of the policies and programs that this Senate worked hard to establish.

I don't know about the rest of you, but I am fed up with the governor getting credit for everything that happens around here. Now, I wasn't born yesterday. I've seen a few governors come and go. And they all grab every headline they can. I've got to admit that Steve Merrill may be the best of the bunch. He's glib. And, for a guy who's losing his hair, he's not bad looking. Will Rogers would probably say that he has never met a camera he didn't like.

And while I can not fault the governor for wanting to align himself with the good work that we have done, I am disheartened that the media and the so-called "experts" have done no more than affirm his title as the "doer of good deeds."

All of us in this chamber understood that public policies and programs must proceed through a process. It is a process which enables public input. And it is a process that demands the input of and approval of not just the governor, but the entire legislative branch.

As the Dean of the Senate, I believe it to be my obligation to point out that many of things the governor has taken credit for would not have been possible were it not for the hard work and dedication of all of us in this chamber. The residents of this state must know that there are 424 other elected officials who together, with the governor, are responsible for our past successes.

The Business Enterprise Tax wasn't a royal decree. That tax died three times on the floor of this chamber in one afternoon because the governor couldn't muster the votes from his most loyal supporters. Ultimately, the Business Enterprise Tax succeeded because the President of the Senate turned a sow's ear into a silk purse and put together the majority.

It was the Senate that stood its ground on the Capital Budget and ensured that millions of dollars in essential construction projects moved forward. Projects that spurred economic activity, improved our physical infrastructure and bolstered the preeminence of our state university system.

When the welfare of our children and elderly are at issue, it is this Senate that forwards their position.

When our workers' compensation system threatened to thwart economic growth, the Senate, despite ridicule and threatened retaliation, fought for more thorough and meaningful reform. As so often is the case, our efforts have been rewarded, and we will shortly consider a reform package that far exceeds previous efforts.

And in the waning hours of the Committee of Conference on the budget, it was at the insistence of the Senate conferees that \$10 million in additional revenue sharing was included in the budget.

Clearly, no one particular person or body - not the governor or the House or the Senate can unilaterally pass the laws that govern this great state. It is wrong, therefore, for the governor to pretend that he alone is responsible for all that we have done. And it is wrong for the media and the political pundits to ignore the branch of government, the great and General Court that is responsible for giving life to these ideas.

All of us in this chamber have much to be proud of. I would hope that in the future our efforts do not go unnoticed, and that we are recognized for working with the House and the governor, as dictated by the process I so dearly cherish, to make this state a better place to live, work and raise a family.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bill:

HB 1579, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.

Senator Currier moved adoption.

Adopted.

TAKEN OFF THE TABLE

Senator Podles moved to have **SB 90**, an act relative to child support enforcement and child support payments, taken off of the table.

Adopted.

SB 90, an act relative to child support enforcement and child support payments. Senator Podles for the committee.

SENATOR PODLES: Mr. President and Senators, SB 90 is a referred bill. The reason that it was put onto the table was because Senator Wheeler wanted to look into some information on some questions, and that has already been okayed, and so I am going ahead with SB 90. It is an omnibus child support enforcement bill and it does four things: (1) It allows the person who is not a recipient of AFDC to become eligible for child support services upon application if a one month arrearage or if there exists a valid domestic violence order. (2) It authorizes the court order and obligor to keep the court informed of their address and to hear issues involving child support if notice is given to the obligor at their last known address. (3) It also authorizes service of notice for an administrative enforcement remedy by certified mail and allows for the immediate freeze of liquid assets upon notice and opportunity to be heard as a method of enforcing payment for child support arrearages. (4) It prevents parties to child support case from prejudicing the state's right to financial recovery for public assistance by requiring the parties to notify the office of Child Support about the case if one of the parties receives public assistance. SB 90 will improve the ability of the court to end the office of Child Support to enforce support orders and will protect the economic well being of New Hampshire's children. I urge that SB 90 be passed.

Recess.

Out of recess.

Committee amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Roberge moved to have **HB 280**, an act relative to zoning requirements for family day care homes, taken off the table.

Adopted.

HB 280, an act relative to zoning requirements for family day care homes. Senator Roberge for the committee.

SENATOR ROBERGE: Mr. President and members of the Senate, as chairman of Public Affairs this bill was re-referred. We did have another hearing in the fall. We made a small change to the original bill saying that they could only have this type of daycare in a single family home. At the time there was no opposition. I will be honest, since we have had the hearing some opposition has surfaced and I think that the fair approach to this is to take it off of the table and vote it up or down and let your conscience be your guide.

SENATOR BOURQUE: Senator Roberge, would you believe that the New Hampshire Municipal Association opposed this bill and there was testimony, and that there were six good reasons why they opposed it, and I won't go into reading it?

SENATOR ROBERGE: Was that last spring or this fall?

SENATOR BOURQUE: March 31, 1993.

SENATOR ROBERGE: Yes, I was talking about the time that it came before us this fall when we had a hearing on it, not the past spring.

SENATOR BOURQUE: Thank you.

SENATOR J. KING: Basically I oppose the bill. I oppose it strongly and for one basic reason, it takes away the power of the zoning board in the community; in other words, they can set a center without the approval of the zoning board where there is a zoning board. I think that is wrong. The main reason is that one as far as I am concerned. I don't think that we should be legislating what the zoning board should do and can't do in their cities and towns.

SENATOR COLANTUONO: This is an important bill. I am totally in agreement with the concept of it because there are many municipalities in the state of New Hampshire that have such restrictive zoning regulations that it is almost impossible to have a family daycare center. Family daycare belongs in residential districts. In some towns, like my own, the town of Londonderry, they simply require you to get a special exception and go before the board and make sure that it is going to work in your neighborhood and that is a fairly reasonable approach. But there are some towns that require a variance. Some towns that have 90 to 95 percent of the towns that are residentially zoned, then that means that unless you can get a variance which is almost impossible to get for this type of business. You can only put up a daycare center in a commercial or industrial zone. When I drive up here, I drive up Harvey road, past the Mall of New Hampshire, and there are two large daycare centers there because Manchester doesn't allow them in the residential areas. So you have all of these kids in an area right near the airport with trucks going by and heavy equipment and it is a commercial, industrial zone and that is not where daycare centers should be. The problem with this bill, though, is that it went a little too far. That is why the committee restricted the House version by saying that it can only occur in single family homes. The original House version said that it could be in multifamily homes, condominiums and so forth, so that was a good change. But in response to some of the criticism that I am getting, is that the bill is still too broad because it allows up to nine children in a residential setting, up to nine children. I have a proposed floor amendment to try and solve some of that problem and come to a middle ground. I am going to propose a floor amendment if the Senate adopts the committee amendment to restrict it to not more than four children which would substantially cut the use of it, but it would attempt to be a reasonable compromise and it would at least, because I sense that there is some strong opposition in the body. At least if we adopted that, we could put the bill in a Committee of Conference with the House and maybe try to iron out something that works for everybody.

SENATOR J. KING: Would you believe, that coming from Manchester, Senator Colantuono, would you believe, that we probably have more daycare centers than any place else in the state of New Hampshire and a lot of them are located in residential areas, but they have gone through the zoning board. They have not all been turned down. I have dealt with the zoning board and I don't always agree with them, because sometimes they say no and that is very hard to accept. But we do have daycare centers and they are not all on highways, they are located in residential areas?

SENATOR COLANTUONO: I believe that and that is why I am proposing this bill to make sure that we continue to have more by proposing this floor amendment.

SENATOR ROBERGE: Senator Colantuono, those four children that you mentioned, does that include your own children or is that in addition to?

SENATOR COLANTUONO: The way that it is drafted it says, "four unrelated children" so it would be a total, whether related . . .

SENATOR ROBERGE: So it would be four in addition to what you have? If you had four children, this would be an additional four?

SENATOR COLANTUONO: It says, "four unrelated children". My intent was to mean 'four children'. And if it is drafted incorrectly we could redraft it, but that is my intent.

SENATOR BALDIZAR: My question was going to be the same as Senator Roberge's. I don't have the amendment in front of me and I was going to ask about the number of children. Did it relate to the total number or your children and an additional four? And the reason that I am asking is that many of the people who offered this family daycare in their home do it because they are in their home and they have two small children of their own or several that they are taking care of in their home and they have the time to take in other children and care for them as they do for their own. So there would be their own children plus four?

SENATOR COLANTUONO: That wasn't my intent. My intent was to make four children total rather than what it is right now. If we pass the bill as it is right now, it would be nine. I just think that that is way too many for this exemption. My intent is four. Start at four and see how it works and then maybe we can work it out.

SENATOR BALDIZAR: Sorry, I don't have a copy of the amendment and I guess I have a problem with the number being four. When my children were small and I was raising them I would have ten kids in my home to play sometimes and I don't know what kind of an effect that is going to have.

SENATOR COLANTUONO: Oh no, this wouldn't apply to people playing there, it would apply to kids there in a daycare for compensation as a business.

SENATOR BALDIZAR: Oh, okay, thank you.

SENATOR PODLES: Mr. President and Senators, HB 280 and I want to say that on the onset that I am not against daycare and I am not against children, but HB 280 grants a blanket exemption from local zoning to family daycare. It takes away home rule. Zoning is a local issue. The statute reads, "that the General Court hereby finds and declares that planning, zoning and relating regulations have been and should continue to be the responsibility of the municipal government." HB 280 opposes the policy of the legislative body. The bill has serious implications for everybody. It permits daycare in emergency care which is foster care, in any residential district in the state. And according to the statute 170-e:2 section IV, the definition of family daycare is, "that it permits six children and shall include any foster children and all children that are related to the caregiver. And in addition to the six children and the caregiver's children, three children can be cared for up to five hours on school days and all day on school holidays. Also, the administrative rule which is, "4,002: 17 allows for a waiver, thereby increasing it to two children which can bring the total of children in a home daycare from nine to eleven and more if the caregiver has children. I think that the quality of life will be changed and our neighborhoods destroyed and it is setting a dangerous precedent. It is putting up a business in a residential district. If this should pass we could have beauty salons, we could have dentist offices later on. It is just setting up a precedent. We need local regulation to maintain the safety of our children in daycare and I urge you to make this bill inexpedient to legislate.

SENATOR BOURQUE: I rise in opposition, and I would vote against HB 280 at this time. Not that I am opposed to daycare, but at one point, Mr.

Lightfoot did come to the city of Manchester asking the city to exempt daycare and allow them to go into our community without some of the safety and zoning requirements that are required in our community and the Board of Alderman voted 12 - 0 not to allow this to happen because of the safety of the children and opening up the community to daycare and residential areas without going through the zoning. We have businesses that come to the ZBA such as beauty salons and other businesses, but they have to go through the ZBA to make sure that they have everything that is required through the city to allow this business to happen. What this bill says is that daycare will be able to come in and go into residential areas without coming to the city for any kind of yes or no or allowing the people who live next door to know that you are having a daycare business that is going on. So we are talking about businesses, also, plus safety of children. So that is why that I am opposed to this, because the Board of Alderman in Manchester did oppose something that is close to what this is proposing today.

SENATOR SHAHEEN: I have certainly heard anecdotal evidence that this is a concern in some communities. Was there any testimony relative to the extent of the problem that exists and the need for the bill? Can somebody on the committee address that for me?

SENATOR COLANTUONO: I am not on the committee and I don't know the whole history of the bill, but as I said, I practice in a town which Senator Russman represents which would not allow daycare businesses in any residential area of the town. If you look at a zoning map of the town, there was a tiny, tiny, commercial district in the western portion of the town which was the only exception. And from what I am hearing in the course of the deliberations about this bill, there are many towns in New Hampshire that have similar zoning restrictions and to get a variance you have to show a hardship on the property. Well with just an average residential lot it is almost impossible to do that. So as a result, there is not enough daycare to satisfy the need. As you know, with two family members working these days, it is very difficult to get good quality daycare. Most parents want to have their children in a family setting if possible. The big institutional daycare centers are fine as far as they go, but that was the purpose of the bill. If you read the analysis, it spells it out pretty well.

SENATOR HOLLINGWORTH: Senator Colantuono, when Senator Bourque was speaking, she said something that triggered something in my mind, she said, "the safety of children", when I read this bill, it looks like it is only changing the zoning. In other words, daycare would still have to meet all of the other requirements that they have to meet that have to go through all of the criteria and health care and all of the other things that they have to meet? This only changes the zoning?

SENATOR COLANTUONO: That is right. This only lets you get through the door to the state licensing process by giving you a little break if your town has restrictive zones. That is all that it does. You still have to meet all of the safety and health requirements, plus the state licensing requirements on top of that.

SENATOR RUSSMAN: I think that there are adequate safeguards at a local level if people wish to change the zoning ordinance in order to allow this type of thing. Clearly, they can talk with, or propose to petition, articles or what have you by a town meeting government. I mean that is what it is there for, to try and petition to have zoning ordinances changed. I think that it is unfair for us to second guess the municipalities that we represent, and the towns, and force them to do something in their wisdom or collec-

tively through their local zoning boards and the towns themselves that have voted these ordinances in. I mean, certainly they can take it to the population and the electorate and try to get them changed and see if they can do so at a local level and address the local problem. But certainly, I don't think that it is in our purview to be directing and taking away the authority these towns and municipalities have, so I hope that you do vote to kill the bill.

SENATOR BARNES: I guess that I am one of the fortunate ones here in the chamber. Three years ago when this bill came to life, I was on the Municipal and County Government Committee over in the House and that is where it all started. My recollection is that this bill came forward because of some mean-spirited, I believe were the words that people used, planning boards in a couple of cities and towns in the state. I believe one of the cities was Rochester, if I remember correctly. And I guess there are a couple up north country, too, that people are unhappy about the planning board saying no you can not have a daycare center. I think that there are other recourses for the folks that have that problem. I think that they can go to their towns or to their cities. Some of these boards are elected and some are appointed; and I think that the citizens have that right and prerogative to do it. I, personally, have a problem after listening to this for three years and it has followed me over here into Public Affairs when I came over here on this side. I just think that it isn't right to go over and bypass the planning board process. If the people have a problem with the planning boards, darn it, then do it on the local level, don't do it up here in the legislature. I don't think that we should take that away from the boards throughout the state.

SENATOR MCLANE: Senator Russman, I am so happy to be on the same side with my friend Tom Colantuono that I want to get into this.

SENATOR RUSSMAN: Do you want to crow or meow on this?

SENATOR MCLANE: I have a very basic question to ask of you. It seems to me that we have a decision here as a governing body as to whether we take the side of the zoning boards and say that local control is the most important issue before us or whether we take a perhaps higher point of view that has to do with the good of the families and kids. It occurs to me, I read some statistics yesterday, that said that 51 percent of the mothers of kids under five are now in the workforce. It occurs to me that good, adequate home daycare is probably a higher good than the power of zoning boards. I wonder how you would speak to that issue of the need for good adequate daycare for kids in this state?

SENATOR RUSSMAN: Well thank you for asking me. I don't think that is really is a central issue. I think the issue is that what we really are doing is negating the vote of the electorate that voted these various ordinances in. In most towns at some point, the people voted for these zoning ordinances one way or the other. At the same time, I don't think that it is an inordinately difficult deal or ordeal, shall we say, to try and change the ordinance to make, perhaps, a special exception for daycare centers. As a matter of fact, I think that is a relatively easy one to do in terms of arbitrating and getting the proper petitioned article before the townspeople to do that. I suspect on a local level that those people are going to be sensitive to the fact that there is going to be . . . that there is no daycare or not adequate daycare in their towns. I think that most people would be very, very, sensitive to that issue and be very pro-family in terms of trying to see that those kids have a place. I can say that I have one in my own neighborhood, di-

agonally across the street from where I live in a residential neighborhood, as a matter of fact, Spring Hill Daycare Center and they are good neighbors, frankly. But I must tell you that I think that it is not either or here, I mean certainly these people have the right to petition and to seek to change the zoning ordinances and it is not a complicated matter to do. It is one of the beauties of town meeting form of government in the state. So I don't think that it is a choice between daycare centers and the planning board, I think that the planning board just carries out what the zoning ordinance is, frankly. That is all that their job is. They don't necessarily make it, sometimes they have recommendations, certainly, but they don't generally make the policy itself, they are like any other board, they carry out the policy of the board that they have been elected to carry out and it has been done by the people.

SENATOR MCLANE: I guess that I have one more question. The evidence is that there are communities that haven't followed that though, that it isn't easy to go through the zoning board and that there isn't daycare in those communities. What would you suggest if you feel that it is a public good to have lots of good daycare, how would you cope with that if a community that you are familiar with has that problem?

SENATOR RUSSMAN: I don't think . . . and I can certainly speak for my own community having been a moderator there for a number of years and having worked with the planning board and having represented people as an attorney before planning boards. I don't think that if the people wanted to take their time to sell their case to the public, the fact that our town has a need and the need cannot be filled without jeopardizing our kids by sending them to bad sections of towns or to other towns, I certainly think that . . . I can't believe that communities that have parents with children would not be sensitive to that issue. We have the Kingston Daycare Center, which happens to be centrally located in Kingston. We have a number of daycare centers in Kingston, but I know that other towns, I cannot believe that people would turn their backs, if you will, in our society and say that we don't want a daycare center in our neighborhood, and particularly if there were certain restrictions placed upon it. Perhaps the size or if the building wasn't in keeping with the rest of the residential neighborhood or what have you. So I don't see it as a major problem. I think that it is a rather inconsequential problem.

SENATOR J. KING: Senator McLane, would you believe that I sat through the hearing and I heard nothing about any bad spots throughout the state of New Hampshire? There was nothing there to recommend that someone somewhere had certain powers of not allowing them to do it if it should be done. And would you also believe that if you take that zoning privilege away, you can also just take it away from where they build or wherever you want, because once you start taking that power away from the cities and towns, you have lost it, period?

SENATOR MCLANE: I keep turning towards Senator Colantuono because he was the one who told about the community, where there was a problem, and that is where I got it from. But I think that there are certain times that the state has power over the zoning board and one of them is if you want to build a church, you can't not build a church, there are several other ways that zoning boards don't have the power.

SENATOR J. KING: Would you also believe that if you determine that they can't do it, by the law that has been done on the local level, you know, in other words, they are the ones that determine what goes on in that city. If they can try to pass a state law because someone says that there is one place

that doesn't do it, I would recommend to anybody that they go to that city and town and try to work with them. This has been done in the city of Manchester and it was turned down because they think that they're right and we are going to tell them that they're not right. I disagree.

SENATOR LOVEJOY: I too find, Senator McLane, that this is unusual because I am on the opposite side of Senator Colantuono and I guess we are going to debate. It is my strong belief, Mr. President, that government closest to the people is most effective. I think that is our basics, here in New Hampshire. We have constantly been faithful to that feeling, to that concept. Senator McLane, we just had an extensive hearing on adjusting the RSA's to give the city of Concord the ability to make a local decision effecting a local question on tax bills and that is very important and I support that. And that has given the city of Concord and its governing body the ability to make those local decisions and exempting them from the law that we now have and permitting them to tax on a biennial method and subsequently on a quarterly method. But that is a local decision and we said yes, you should have that local vote to make that local decision because that is the governing body's position or your responsibilities. Senator Barnes said that back a while, Rochester was portrayed, I didn't know that until he said that, as an area that restricted daycare centers, I didn't know that because we have a lot of them. But the important thing, Senator Barnes, is the fact that Rochester can and should decide its destiny. And if they do it wrong, then the people have the voice to make the change. If the people do not permit, if they do not agree with the decisions made by the local government, they can change it and they can change them more effectively on the local level than they can an RSA on the state level. I am afraid that if we step in and avoid local control on zoning for daycare centers or for anything else, dog kennels or anything else, we can prove a need in any community for about any use. If we step in on this issue we are going to set a dangerous precedent, Mr. President, on usurping the authority of a local zoning board at local government. For those reasons I oppose this and I shall vote against it.

SENATOR ROBERGE: I have some information that just came to light. Only six states have a higher percentage of mothers in the labor force than does New Hampshire. Sixty seven percent of women with children under six are in the labor force. There are 63,000 children under the age of six with both or only one parent in the labor force. There are 350 licensed family daycare homes in the state.

SENATOR BOURQUE: I was just going to address from some of the testimony from the New Hampshire Municipal Association which was on March 31, 1993 from Bernie Waugh. When we are talking about safety, I am just going to say that the suggestion was that, "towns and cities have a legitimate safety concern with family daycare," so we are still talking about safety. An example, "is a home with a grandfathered blind driveway which might be hazardous enough for a single family but then again, if you have several drop-offs and pickups each day, that would also multiply. I think that when we are talking about safety, it goes beyond just what's in the home. It goes on with what is around that particular residential area so that there still are some safety guidelines for children and families and that is what I was referring too. Thank you.

Recess.

Out of recess.

Question is on the committee amendment.

Division vote requested.

Yeas: 13 - Nays: 9

Committee amendment adopted.

Senator Pignatelli offered a floor amendment.

4937B

Floor Amendment to HB 280

Amend the bill by replacing all after the enacting clause with the following:

1 Proof of Zoning Compliance Not Required. Amend RSA 170-E:6 to read as follows:

170-E:6 Applications; Compliance With Local Codes Required. Any person who intends to operate a child day care agency as defined in RSA 170-E:2, IV, shall apply for a license to operate one or more types of child day care agencies. Application for a license to operate a child day care agency shall be made to the department in the manner and on forms prescribed by rules adopted by the commissioner pursuant to RSA 541-A. Such forms shall provide for the names, birth names, birth dates, and addresses of all persons having responsibility for care of or regular contact with children at the agency. The applicant shall obtain approvals in accordance with state and local requirements pertaining to health, safety and zoning, as applicable. ***Family day care homes, as defined in RSA 170-E:2, IV(a), with not more than 3 unrelated children with a maximum of 6 children, including one's own children, located in a single family home in a residential or rural zone shall not be required to submit proof of zoning compliance.***

2 Operation of Family Day Care Home is Valid Residential Use. Amend RSA 672:1, V-a to read as follows:

V-a. The care of up to 6 full-time preschool children and 3 part-time school age children in the home of a child care provider makes a vital and significant contribution to the state's economy and the well-being of New Hampshire families. The care provided through home-based day care closely parallels the activities of any home with young children. Family based care, traditionally relied upon by New Hampshire families, should not be discouraged or eliminated by use of municipal planning and zoning powers or the unreasonable interpretation of such powers. ***The operation of a family day care home, as defined in RSA 170-E:2, IV(a), with not more than 3 unrelated children with a maximum of 6 children, including one's own children, shall constitute a valid residential use in single family homes for purposes of any local zoning regulation.***

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill exempts family day care homes with not more than 3 unrelated children with a maximum of 6 children, including one's own children located in single family homes in residential and rural zones from submitting proof of zoning compliance.

SENATOR PIGNATELLI: In place of Senator Colantuono's amendment, I offer my amendment #4937B for your consideration with Senator Colantuono's support.

SENATOR FRASER (In the Chair): Senator Pignatelli, for the record, Senator Colantuono has not offered an amendment, that was the committee amendment.

SENATOR PIGNATELLI: This floor amendment changes the original amendment and makes it so that you do not have to submit proof of zoning compliance if you have not more than three unrelated children with a maximum of six children, including one's own children. So for a total of six children, this is the way that Nashua does it as well, and there has been no problem in Nashua. I ask for your approval of the amendment and the bill.

SENATOR LOVEJOY: Senator Pignatelli, did Nashua make that decision on their own, did they set this criteria on their own?

SENATOR PIGNATELLI: Yes, they did.

SENATOR LOVEJOY: Do you believe that other communities should have that option?

SENATOR PIGNATELLI: Ordinarily, I very rarely vote against local control. In this case, I consider it a demonstrated necessity that we do something about this. I think that by not doing something about it that we encourage underground family daycare centers which don't meet any standards and have no regulations in terms of fire safety, licensing, numbers of children and that is the reason why I am supporting this bill.

SENATOR LOVEJOY: Do you believe that local control should be circumvented on other issues on dealing with zoning?

SENATOR PIGNATELLI: No.

SENATOR LOVEJOY: Thank you.

Floor amendment adopted.

Ordered to third reading.

Senator Podles in opposition to the floor amendment on HB 280.

Senator Bourque and Disnard in opposition to HB 280.

RESOLUTION

Senator Delahunty moves that the remarks of Senator Hough and Senator Blaisdell be in the daily journal.

Adopted.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, February 8, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

SB 33, an act relative to licensing of certified public accountants.

SB 90, an act relative to child support enforcement and child support payments.

SB 165, an act relative to certification of landscape architects.

HB 280, an act relative to zoning requirements for family day care homes.

HB 510, an act relative to certificate of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions.

HB 514, an act amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees.

SB 515, relative to requirements for alternate jurors.

SB 521, establishing a committee to study skiing accident laws.

SB 530-LOCAL, an act relative to town liability for riot damage.

SB 537, an act relative to bonds issued by certain chartered towns.

HB 541, an act relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections.

SB 543-FN-A-LOCAL, an act requiring that the department of revenue administration conduct an annual ratio study relative to real estate assessments and sales and making an appropriation therefor.

SB 548-FN, an act relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants.

SB 549, relative to loans made by a bank to its executive officers, directors, or trustees.

SB 552, an act providing for ownership rights in dies and molds under certain conditions.

SB 553, repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake and permitting a dam to be constructed on Province Lake in the town of Effingham.

SB 564, an act relative to authentication of municipal and county bonds.

SB 565-FN, an act relative to state contracts.

SB 566-LOCAL, an act relative to membership on city planning boards.

SB 578-LOCAL, an act relative to the collection of property taxes in certain municipalities.

SB 579-FN, an act relative to group II death benefits under the New Hampshire retirement system.

SB 586, relative to licensing of cats and cat identification.

SB 587, revising the penalty provision for carrying a weapon without a valid license.

SB 590, an act relative to the investment of trust funds by banks in affiliated investments.

SB 597, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard.

SB 606, an act authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies.

SB 612, an act relative to the electricians' licensing board.

SB 613, an act relative to administrative fines for violations of the emergency medical services law.

SB 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation."

SB 622, an act changing the membership of the board of examiners of psychology and mental health practice.

SB 630, an act relative to the New Hampshire industrial heritage commission.

SB 634, an act establishing a committee to study and promote the use of non-motorized transportation.

SB 638-FN, an act relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections.

SB 656, an act repealing the chapter regarding the subversive activities act.

SB 678, an act establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means.

SB 686, an act reclassifying a portion of Stratham Heights Road in the town of Stratham.

SB 695, an act relative to the financial regulation of life and health insurers.

SB 714, an act relative to personal flotation devices.

SB 750-FN, an act relative to the medical examiner and establishing a committee to study the office of the medical examiner.

SB 751-FN, an act deleting the restriction on the number of hours which part-time assistant attorneys general may work.

SB 768-FN, an act relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways.

SB 781-A, an act requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated.

SB 785, an act establishing a committee to review the current procedures of the central registry in the department of health and human services.

SB 804, establishing a committee to study delinquent property taxes owed by condominium unit owners.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Tuesday, February 8, 1994 at 1:00 p.m.

Adopted.

Adjournment.

February 8, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

As you read in the newspaper the evaluations you are being given based on your voting record, it is important that you remember to not make the mistake of confusing popularity with success. Madonna is popular. Mother Theresa is successful. I wish you every success. O Lord, you are rarely popular but you are always successful. In the work they do as members of this body, make these good people more and more like you. Amen

Senator Currier led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 149-FN, relative to land surveying by proprietorships, corporations or partnerships.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: William Boucher
Sandra Dowd
Fred Foss
Bonnie Groves

HOUSE MESSAGE

The House of Representatives refuses to accede to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 59, relative to the privacy act.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 288, relative to membership on the New Hampshire retirement system board of trustees.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kay Ward
Merton Dyer
Greg McGrath
Ray Langer

SENATE ACCEDES TO HOUSE REQUEST

HB 288, relative to membership on the New Hampshire retirement system board of trustees.

Senator Disnard moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Currier, Baldizar, Pignatelli.

NOTICE OF RECONSIDERATION

Senator Baldizar moved reconsideration on **SB 678**, an act establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means.

COMMITTEE REPORTS

SB 654, an act establishing a committee to study the feasibility of instituting a kindergarten voucher program. Education committee. Ought to pass. Senator Disnard for the committee

SENATOR DISNARD: This was a split vote, four to two in the Senate Education Committee. The testimony, the supports, contend a step towards kindergarten is a good thing. They argue that the diversion of public funds is not an issue because the state currently does not support kindergarten. They envision state resources used to enable parents to choose public or private kindergartens. They argue that many school districts can not afford the capital cost of starting kindergartens and it would therefore require the option of tuitioning their students. The opponents argue that further study of kindergarten is unnecessary and would slow the progress towards state kindergarten. They contend that the legislature should be devoting energy and resources towards implementing the statewide kindergarten which this past summer's study committee advocated. Most opponents disagree with the voucher system, in fairness, feel that it would open a good discussion for grades 1 through 12. They strongly testify that it would prohibit . . . in the constitution against diverting public funds to religious programs. Many private kindergartens are run by religious organizations. I understand that there will be two floor amendments relating to this bill.

Adopted.

Senator McLane offered a floor amendment.

4978B

Floor Amendment to SB 654

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the feasibility of instituting a statewide kindergarten program.

Amend the bill by replacing section 1 with the following:

1 Study Committee Established; Duties. There is hereby established a committee to study the feasibility of establishing a statewide kindergarten program. The study shall include the benefits, costs, and constitutional methods of financing.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of establishing a kindergarten program.

The committee shall make a report of its findings, including recommendations for legislation, to the senate president, the speaker of the house and the governor on or before November 1, 1994.

SENATOR MCLANE: This is not so much in opposition to Senator Colantuono's bill, but an addition to it. Senator Lamirande and I have three bills, I think, on kindergarten. I have worked to get kindergarten in public schools for 25 years. Every year that we go without kindergarten, 5,000 New Hampshire children end up behind the eight ball. Economic studies

have shown that for every dollar that we spend on kindergarten, that we realize \$7, because we have fewer children in special education, less crime and reduced welfare cost. There is no doubt that we need kindergarten. We are the only state in the Union without kindergarten. But, we have a problem. It costs \$42 million to fund it, and because of article #28-a in the constitution, if we mandate it, we have to pay for it. I think that we ought to continue to study the problems of kindergarten. And I don't think that the single answer is vouchers. As I envision vouchers, you have a one year study committee to discuss it and then you have one year to send it off to the Supreme Court to see if it is constitutional. In the meantime, 10,000 New Hampshire kids suffer because they are the only ones in the United States without kindergarten. We have had the Supreme Court tell us that we should give an adequate education. I cannot imagine that the word 'adequate' does not include kindergarten. I will admit that we have a problem. Carol has tried putting money in to persuade communities for kindergarten. I went the distance on beer, butts and booze with the Ways and Means Committee, and I don't think that I got anywhere. So, I am happy to study, but I don't think that we ought to just study vouchers. I would ask you to take my addition. I support Senator Colantuono's amendment that he is bringing in and I wish that you would support mine. Kindergarten is probably the most important issue that we will face all session. I just would like to add to the study committee, to include, instead of just vouchers, to include the benefits, the costs, and any constitutional way of funding it. I would take anything at this point, but I do think that we do need to keep studying this issue. Thank you.

SENATOR COLANTUONO: As the prime sponsor of this legislation, I would like to speak in favor of the committee report and against the floor amendment. Because what the floor amendment would do is pretty much gut the bill. So if you are in favor of the bill as written, I hope that you would defeat the floor amendment and go back to second reading on the bill. Because if the floor amendment is adopted, there is no statutory mandate for anybody on the study committee to say one word about vouchers. It is taken out of the bill completely. A word about the original bill, if I may. Is that in order, Mr. President?

SENATOR HOUGH (In the Chair): The chair will allow Senator Colantuono to remark on the original bill.

SENATOR COLANTUONO: The reason that the original bill is put in the way that it was is because last year we passed a study committee on kindergarten. I think that Senator Lamirande served on that committee, if I am not mistaken? Yeah, I thought so. I am not sure if they filed a report yet? Yes, three bills came out of that study committee, so that work has already been done. This is a different approach. It is an approach that four out of the six committee members thought was worthy. It is an approach that my good friend, the Democratic Leader of the House, Rick Trombly from Boscowen co-sponsored and gave eloquent testimony in the committee as to why he believes that this is an idea at least worthy of study and discussion. I would urge you to look at the transcript to see what he said in his testimony. The idea of promoting statewide kindergarten in this state is something that I endorse, obviously, since I put the bill in. I believe in it and I have been searching around for realistic ways of having it come about and that is how I came about with the idea of at least studying the possibility of a state plan for vouchers. Now vouchers are scary to some people, but I don't think that that is justifiable. We use voucher type arrangements many times, rent subsidies, heating assistance programs, there

are many ways that we use voucher type programs to assist the people of our state to provide needed services. Remember, it is the education of the children that we are trying to affect here. It is not to expand the public education system, necessarily, so we have a very vibrant and successful private kindergarten system in this state. What is wrong with assisting that to expand and cover those towns in which they just can not simply afford or for some other reason cannot put in place a public system? I have argued before in an article about this idea, that this is an idea that should appeal to everybody. People who are really in favor of public education should support the idea because this is going to provide universal access to all of the children in the state to have kindergarten. It is also going to provide the public schools systems in the first grade and the first grade teachers with students who are already to learn. They have all been through kindergarten in the state of New Hampshire with this idea. Having children ready to learn in the first grade is one of the main goals, it came forward in the Education 2000 proposals. It also empowers the parents of this state to help them put their children in kindergartens that they choose is best for them and their families. We are not talking about children who are 10, 12 or 14 years old. We are talking about five year olds and six year olds. Most parents that I know want their children to attend a kindergarten in their neighborhood or close by home, if possible. That would be of assistance in this bill. And in addition, in this day and age when we are trying to promote economic development, this is a bill that could potentially help private business. People who go in the business of providing kindergarten services could be helped by such a program. So those are the reasons that I support this and why I put the bill in. I think that it is worthy of a separate and independent study, which has already been done this past year, we studied the whole general question. So I would hope that you would support a separate study committee for this one idea of vouchers. Thank you very much.

SENATOR SHAHEEN: Senator McLane, as your bill is written, would it not be possible for this study committee to include looking at voucher programs as part of studying how to make statewide kindergarten happen everywhere?

SENATOR MCLANE: That was my intent, and I am sorry that that wasn't clear to Senator Colantuono, but it was my intent as vouchers as one of the programs to get kindergarten, which is what I want.

SENATOR SHAHEEN: Would you have any objection to including language relative to studying a voucher program as part of your floor amendment?

SENATOR MCLANE: Obviously not, if that would make it clearer.

Recess.

Out of recess.

Senator W. King moved to have **SB 654**, an act establishing a committee to study the feasibility of instituting a kindergarten voucher program, laid on the table.

Adopted.

LAI D ON THE TABLE

SB 654, an act establishing a committee to study the feasibility of instituting a kindergarten voucher program.

SB 690, an act establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees. Education Committee. Ought to pass with amendment. Senator J. King for the committee.

4914B

Amendment to SB 690

Amend section 2 of the bill by replacing paragraph VI with the following:

VI. The commissioner of the department of health and human services, or designee.

Amend section 2 of the bill by inserting after paragraph XIII the following new paragraphs:

XIV. The president of Keene state college, or designee.

XV. The president of Plymouth state college, or designee.

XVI. The dean of the university system college for lifelong learning, or designee.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

SENATOR J. KING: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 533, an act prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board. Environment Committee. Ought to pass with amendment. Senator Russman for the committee

4716B

Amendment to SB 533

Amend the bill by replacing all after the enacting clause with the following:

1 Permit Required. Amend RSA 482-A:3, VII to read as follows:

VII. No person shall destroy, raze, deface, reduce, alter, build upon or remove any sand or vegetation from any sand dune in this state *without a permit from the wetlands board*; provided, however, that any person may remove sand which blows or drifts onto any lawn, driveway, walkway, parking or storage area, or boat ramp, or which blows or drifts in, on, or around buildings or other structures owned by the person. *Upon request of the property owner, the wetlands board shall provide a preapplication assessment of any lot of record located in sand dunes.*

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill prohibits any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board. This bill also provides that upon the request of the property owner, the wetlands board shall provide a preapplication assessment of any lot of record located in a sand dune.

SENATOR RUSSMAN: This was the Wetland Boards, Del Downing and others got together on this and came up with language that is not acceptable to everybody, but it will work. The dunes do come under jurisdiction of the New Hampshire Wetlands Board and this clarifies that.

Amendment adopted.

Ordered to third reading.

SB 653, an act repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places. Environment

Committee. Ought to pass with amendment. Senator Lamirande for the committee.

4807B

Amendment to SB 653

Amend the title of the bill by replacing it with the following:

AN ACT

repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council.

Amend the bill by replacing all after section 1 with the following:

2 Committee Established; Duties. A committee is hereby established to study the recommendations of the Northern Forest Lands Council.

3 Membership. The committee shall consist of the following members:

I. Two members of the senate, one of whom shall be from Coos county, appointed by the senate president.

II. Two members of the house, one of whom shall be from Coos county, appointed by the speaker of the house.

III. Two individuals nominated by the Northeast Forest Users Coalition, one of whom shall be from Coos county, appointed by the governor.

IV. The 4 New Hampshire members of the Northern Forest Lands Council.

4 Chair; Meetings. The first meeting of the committee shall be called by the first-named representative. The chair of the committee shall be chosen by the members at the first meeting.

5 Mileage. Members of the committee shall serve without compensation except that legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

6 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the president of the senate, the speaker of the house, and the governor on or before November 1, 1994.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals 2 provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places which were rendered obsolete by the reenactment in 1989 of RSA 81, relative to taxes in unincorporated towns and unorganized places.

The bill also establishes a committee to study the recommendations of the Northern Forest Lands Council.

SENATOR LAMIRANDE: Mr. President and members of the Senate, SB 653 is a request by the Department of Revenue and Administration. SB 653 repeals several obsolete statutes concerning the collection of taxes from log sales in unorganized places as that duty has been designated to the county commission as of 1989. The amendment addresses the northern forest lands study that they did. It simply creates a Joint Legislative Industry Study Committee to review that study that was done. As some of you may know, this study has far ranging implications for New Hampshire's economy. This committee will provide the legislature with some oversights. It was the recommendation of the committee that it ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 674-FN-A, an act placing responsibility for dredging projects in tidal waters with the port authority and making an appropriation therefor. Environment Committee. Ought to pass with amendment. Senator W. King for the committee.

4884B

Amendment to SB 674-FN-A

Amend the bill by replacing section 2 with the following:

2 New Section; Dredge Management in Tidal Waters. Amend RSA 271-A by inserting after section 19 the following new section:

271-A:20 Dredge Management in Tidal Waters. The New Hampshire port authority shall be responsible for managing harbor and channel dredging activities within the tidal waters of the state. The authority shall:

I. Assess the existing dredge permitting process with state and federal permitting agencies for the purposes of identifying an improved review process.

II. Establish and implement a process to ensure that dredging projects are completed in a timely and cost effective manner, recognizing the need to:

(a) Coordinate with and utilize the services of the local and private sector to establish a reliable program; and

(b) Work in conjunction with other state and federal agencies to ensure uniform and timely compliance with other laws, regulations and rules, including, but not limited to, permitting in accordance with RSA482-A, RSA 485-A and to ensure that a certificate of consistency is obtained from the coastal zone management program; and

(c) Develop a long-range plan and schedule to serve as a guide for individual dredging activities.

III. Initiate and implement dredging projects to maintain and improve channels and harbors in accordance with the long-range plan and schedule.

IV. Submit an annual report to the senate president, the speaker of the house and governor on the status of current dredging projects and the projection of future dredging projects and costs.

SENATOR W. KING: I move the adoption of the committee amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 719, an act establishing a committee to study the feasibility of implementing the Squam lakes watershed plan. Environment Committee. Ought to pass with amendment. Senator W. King for the committee.

4700B

Amendment to SB 719

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established; Duties. There is hereby established a committee to study the feasibility of implementing the water use activity zone recommendation of the Squam lakes watershed plan completed by the office of state planning as provided in 1986, 45.

2 Membership. The committee shall consist of the following members, all of whom shall be appointed no more than 30 days after the effective date of this act:

- I. One senator, appointed by the president of the senate.
 - II. One house member, appointed by the speaker of the house.
 - III. The executive director of the department of fish and game, or designee.
 - IV. The commissioner of the department of safety, or designee.
 - V. One person representing the Squam Lakes Association, appointed by the association.
 - VI. One person from the New Hampshire Marine Trades Association, appointed by the association.
 - VII. The director of the office of state planning, or designee.
 - VIII. The commissioner of the department of environmental services.
 - IX. One selectman representing the town of Ashland, Center Harbor, Holderness, Moultonborough or Sandwich, appointed by the governor.
 - X. One person representing the conservation commission from the town of Ashland, Center Harbor, Holderness, Moultonborough or Sandwich, appointed by the governor.
 - XI. One person from the Loon Preservation Committee, appointed by the committee.
 - XII. One person representing fishing interests, appointed by the New Hampshire Bass Federation.
 - XIII. One person representing waterskiing interests, appointed by the New Hampshire Waterski Association.
 - XIV. One person representing canoeing interests, appointed by the American Canoe Association, New Hampshire Chapter.
 - XV. One person representing the university of New Hampshire's freshwater biology group, appointed by the university president.
- 3 Chair; Meetings. The chair of the committee shall be the senate-appointed member. The first meeting of the committee shall be called by the house member within 60 days of the effective date of this act.
- 4 Report. The committee shall make a report of its findings and recommendations for legislation to the senate president, the speaker of the house and the governor on or before November 1, 1994.
- 5 Mileage and Compensation. Members of the committee shall not be compensated; however, legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.
- 6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan to establish resource and protection zones around the shorelines of Squam and Little Squam Lakes.

The committee shall submit a report of its findings including recommendations for legislation to the senate president, the speaker of the house, and the governor on or before November 1, 1994.

SENATOR W. KING: I moved the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 762-FN, an act relative to restricting steel strapping sales. Environment Committee. Inexpedient to legislate. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SCR 10, an act to request Congress to allow all states to restrict the export of timber. Environment Committee. Ought to pass with amendment. Senator Fraser for the committee

4885B

Amendment to SCR 10

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

to request Congress to allow all states east of the 100th meridian to regulate the export of unprocessed logs.

Amend the resolution by replacing all after the title with the following:

Whereas, billions of board feet of unprocessed logs are exported annually from United States ports to other nations; and

Whereas, it has been calculated that each one million board feet of unprocessed logs exported represents an estimated 3 to 4 jobs potentially lost from the domestic manufacturing economy; and

Whereas, unprocessed logs are being exported from the port of Portsmouth, New Hampshire and other eastern ports including Portland, Maine, Providence, Rhode Island and Albany, New York and that it is projected that the volume of exported unprocessed logs will continue to increase; and

Whereas, states west of the 100th meridian are authorized under the Forest Resources Conservation and Shortage Relief Act of 1990, as amended to regulate the export of unprocessed logs from state, county, or municipal lands; and

Whereas, the people of the state of New Hampshire have long been staunch advocates of states' rights, now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the general court of New Hampshire hereby urges the United States Congress to authorize states east of the 100th meridian to regulate the export of unprocessed logs from state, county and municipal lands, pursuant to authority provided under the Forest Resources Conservation and Shortage Relief Act of 1990, as amended which now exists for states west of the 100th meridian; and

That the general court further urges the United States Congress to extend the ban which now exists on exports of unprocessed logs from federal lands west of the 100th meridian to federal lands east of the 100th meridian, also pursuant to authority under the Forest Resources Conservation and Shortage Relief Act of 1990, as amended; and

That copies of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by the senate clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This concurrent resolution urges the United States Congress to allow all states east of the 100th meridian to restrict the export of timber.

Currently federal law restricts the sale of timber on all lands west of the 100th meridian in the contiguous 48 states that are held or owned by a state or political subdivision thereof.

SENATOR FRASER: The Environment Committee heard substantial testimony from foresters, mill operators and land owners about the state of the forestry industry here in New Hampshire. This is New Hampshire's

third largest industry. This industry which generates a payroll of over \$383 million, and employs more than 30,000 New Hampshire workers is facing new pressures. Our most concern is new demand for all of the state's raw logs from nations around the world having exhausted their forest because of poor resource management. Nations such as Japan, Korea and Turkey now are scrounging to buy up New Hampshire forest. Unfortunately, they are not buying lumbering or finished hardwood products that create jobs and pump up the local economy. They are buying unprocessed logs and turning them into finished goods abroad and then selling these goods back to us. This is the least valuable use of our forest to our economy. If left unabated, it will have a severe negative impact on our local economy. This resolution urges Congress to take action to allow New Hampshire to control the destiny of its forests. It urges Congress to give the state the authority to regulate log exports if it so chooses. The Environment Committee strongly believes that New Hampshire should have the right to rule over its most valuable natural resource. We urge your strong support of this resolution. Thank you, Mr. President.

Amendment adopted.

Ordered to third reading.

SB 503-FN, an act relative to the practice of electrology and the collection of certain fees. Executive Departments and Administrations Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 528, an act relative to central business service districts. Executive Departments and Administrations Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 596-LOCAL, an act relative to property taxes on property sold to religious and charitable organizations. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Fraser for the committee.

4858B

Amendment to SB 596-LOCAL

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Payment of Property Taxes on Property owned by Exempt Entity for Only Part of the Tax Year. Amend RSA 72:23 by inserting after paragraph VII the following new paragraphs:

VIII. Whenever, during a tax year, property is conveyed to an entity exempt from taxation under this section, and comes to be used and occupied in a manner which renders it eligible for any exemption under this section, the property shall be exempt from taxation for the pro-rated portion of the year for which such eligibility exists. Application to the selectmen or assessors shall be made as soon as practicable, but no later than April 15 following the end of the tax year in which the conveyance occurred.

Such property shall remain subject to all liens and tax collection procedures set forth in RSA 80 with respect to the taxes assessed for that portion of the year for which it was not exempt.

IX. Whenever, during a tax year, property is conveyed by any entity previously granted an exemption under this section to a non-exempt entity, or comes to be used and occupied in a manner which renders it no longer eligible for an exemption previously granted under this section, the property shall be taxable for the pro-rated portion of the year for which it is not eligible for such exemption. The tax bill for such a pro-rated portion of a year shall be mailed, at the latest, within 12 months of the date upon which the selectmen or assessors receive written notice of the change, or within 12 months of the date upon which they actually learn of the change.

X. The selectmen or assessors may, in connection with an application under paragraph VIII, or at any other time, request such information as is reasonably necessary to establish any entity's exempt status under this section, and the times during which the use and occupancy of particular property renders it eligible or ineligible for any exemption, including but not limited to the information required by paragraph VI of this section and RSA 72:23-c. If any such entity shall fail to supply such information upon request, the exemption shall be denied unless it is found that such request for information was unreasonable, or unless the selectmen or assessors are satisfied that failure to supply such information was due to accident, mistake, or misfortune.

SENATOR FRASER: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 598, an act extending lapse dates of certain appropriations in 1993, 359 (HB 25-A). Finance Executive Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 793-A, an act relative to the Pease development authority and making an appropriation therefor. Finance Executive Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 795-FN-A-LOCAL, an act allocating and continually appropriating a percentage of the gas tax for maintenance of scenic roads. Finance Executive Committee. Interim study. Senator W. King for the committee.

SENATOR W. KING: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

SB 601-FN, an act relative to administrative license suspension. Finance Executive Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 627, an act relative to conduct and reporting after a motor vehicle accident. Finance Executive Committee. Inexpedient to legislate. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 673-FN, an act generally amending certain provisions relating to domestic violence. Finance Executive Committee. Ought to pass with amendment. Senator Baldizar for the committee.

4935B

Amendment to SB 673-FN

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Reconciliation Not Grounds for Denying Protective Orders. Amend RSA 173-B:4 by inserting after paragraph I the following new paragraph:

I-a. Previous reconciliation prior to filing the current action shall not be grounds for denying or terminating a protective order.

Amend RSA 173-B:4, VI(b) as inserted by section 5 of the bill by replacing it with the following:

(b) The state police shall make information regarding the protective order available to the arresting police department and police and sheriff departments statewide.

AMENDED ANALYSIS

This bill:

I. Provides that a person's minority shall not preclude relief or services relative to domestic violence, and that a minor need not be accompanied by a parent or guardian to receive such relief or services.

II. Authorizes the court to require the abusing party to engage in counseling, but the court shall not require the victim to engage in joint counseling with the defendant.

III. Provides that previous reconciliation prior to filing the current action shall not be grounds for denying a protective order.

IV. Allows for transmission to the department of safety of regular orders by computer, and of telephonically issued emergency orders by telephone or facsimile.

V. Provides that the state police shall make information regarding the protective order available to police and sheriff departments statewide, and requires the court to notify local law enforcement when a protective order expires or terminates, or when changes or modifications are made to the order, and provides good faith immunity to the department of safety.

VI. Adds stalking and violation of a protective order issued pursuant to RSA 173-B:8, III as a violation of a protective order.

VII. Provides that violation of a protective order is a misdemeanor.

VIII. Allows privilege and confidentiality to apply to certain third persons.

IX. Provides that a counselor's duty to report shall not apply to a minor seeking relief from an intimate partner.

SENATOR BALDIZAR: I move the adoption of the committee amendment.

Amendment adopted.

Senator Baldizar offered a floor amendment.

5011B

Floor Amendment to SB 673-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Eligibility for Relief; Minority Not a Preclusion. Amend RSA 173-B:3 by inserting after paragraph I the following new paragraph:

I-a.(a) The minority of the petitioner shall not preclude the court from issuing protective orders against an intimate partner, spouse, or former spouse under this chapter. For purposes of this paragraph only, "intimate partner" shall not include persons related to the petitioner by either consanguinity or affinity.

(b) A minor petitioner need not be accompanied by a parent or guardian to receive relief or services under this chapter.

Amend RSA 173-B:4, VI(d) as inserted by section 5 of the bill by replacing it with the following:

(d) Notwithstanding any other provision of law, the department of safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable under this chapter, provided they are acting in good faith and within the scope of their duties and authority.

Amend the bill by replacing section 11 with the following:

11 Counselor's Duty to Report Child Abuse. RSA 173-C:10 is repealed and reenacted to read as follows:

173-C:10 Counselor's Duty to Report Child Abuse. The domestic violence or sexual assault counselor shall have the same reporting duties under RSA169-C:29 as other professionals, providing that this duty shall not apply where a minor is seeking relief pursuant to RSA 173-B:3 for abuse by a spouse or former spouse of the minor, or by an intimate partner who is not related to the minor by consanguinity or affinity. As used in this section, "abuse" and "intimate partners" shall be as defined in RSA173-B:1.

SENATOR BALDIZAR: I am offering floor amendment #5011B. It is an amendment to SB 673 which an extensive amount of work had already been done on. We have amended it in the committee and we thought that we had it right the first time, but we are offering on the floor today, a few house-keeping measures, and they really make it clearer. They also explain some things a little bit better. Some things we thought that we had in the bill that we didn't have in. The first part of the amendment deals with eligibility for relief for a minor, the exception for persons seeking relief was very narrow. We wanted to add the word . . . wait one minute, I am stepping ahead of myself. The exception is very narrow as it is drafted. It eliminates the reporting obligation in cases of minors who came to a shelter seeking relief from an assault from a boyfriend or other intimate partner. Counselors will still continue to have an obligation to report all other suspicions of child abuse, including abuse by a parent, stepparent or siblings. This exception that we are adding is consistent with the protocols for the identification, reporting, investigation, prosecution, and treatment in cases of child abuse and neglect issued by the Attorney General's Task Force on Child Abuse and Neglect in April of 1993, which provides that the law enforcement rather than DCYS shall have the responsibility for investigating cases where the alleged perpetrator is a nonhousehold member from whom the parents are attempting to protect the minor. When we initially drafted it, we left out the fact that the minor could have been married. So we are adding the word 'spouse' in that section. Number two on the amendment, deals with the transmission of protective orders. When we drafted the amendment we eliminated prosecution . . . we eliminated immunity for police officers. What we intended to do is, that we put immunity for the

Department of Safety in there, but we meant to include 'all law enforcement officials' and we didn't have that language in the original amendment and we are adding that in here. That is the only change there. The third part deals again, with exceptions to reporting statutes, exceptions to reporting domestic violence. The language was too broad. We have narrowed it down, again adding 'tributes by a spouse or former spouse of the minor'. In the original bill and in the amendment in the committee, we didn't take into account that the minor could be married or could have been married, so we are adding that language.

Floor amendment adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Hollingworth having voted on the prevailing side, moved that we reconsider SB 673-FN, an act generally amending certain provisions relating to domestic violence, whereby we ordered it to third reading.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 771-FN-A, an act relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

4947B

Amendment to SB 771-FN-A

Amend the bill by replacing all after section 1 with the following:

2 Supplemental Appropriation; Police Standards and Training Council. The sum of \$1 is appropriated for the biennium ending June 30, 1995, to the police standards and training council for the purposes of section 1 of this act. The governor is authorized to draw his warrant out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

SENATOR HOLLINGWORTH: This bill authorizes the implementation of additional training for law enforcement officers, prosecutors and correctional personnel through the police standard and training school. To recognize, prevent, investigate and prosecute, sexual assault cases. This legislation resulted from a study committee that has been ongoing for two years, and in effect, to standardize procedures used throughout the state in situations dealing with sexual assault. The amendment takes the funding out of the bill. The committee recommends that the bill, if passed by the Senate, be sent to Finance under rule #24 to have the appropriations worked out. Testimony indicates that there may be some federal funds available to help implement the training. The committee recommends ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

TAKEN OFF THE TABLE

Senator J. King moved to have **CACR 38**, an act Relating To: term limits for federal and state representatives. Providing That: the terms of office for

the members of the United States Congress from New Hampshire and for the members of the New Hampshire house and senate shall be limited to 12 years, taken off the table.

Adopted.

SENATOR J. KING: I am speaking in favor of ought to pass for CACR 38. CACR 38 limits the terms of the United States Senators and the United States Representatives to no more than two consecutive terms for a United States Senator and six consecutive terms for a United States Representative, which is 12 consecutive years for the Senate and the House. For the New Hampshire state Representatives and the New Hampshire state Senators, the limit is five consecutive terms, that being equal to 10 consecutive years. Any of these limits would become effective after November of 1994. Prior service before 1994 would not count in the limit. If a candidate is elected to complete the term to which another person was first elected, that shall not be considered as a part of the limitation. This bill also allows the voters to decide if they want term limits and they should definitely be given that choice. We should not make the decision, but we can and should give them the opportunity to make the decision about term limits themselves. The question to be placed on the ballot on November, 1994, shall be: Are you in favor of amending the constitution to limit the terms of office for the U.S. members of congress in New Hampshire for 12 consecutive years and the members of the New Hampshire House and Senate to 10 years? In 1992, 14 states had term limits okayed by voters. Of the 14 states, 12 placed limitations on the state legislature as well as the congress. Actually, only one didn't proceed in limiting both state and federal legislatures, because California, when they did it they had voted to limit state legislature two years before limiting congress. Oklahoma and Colorado also passed state term limits before limiting congress, so did our neighbor, Maine. I would say that California set an excellent example. California passed the state legislature limitation before telling the congress that their terms should be limited. Maine set the example, and they now have the legislation to set term limits on the U.S. congress, after they have done theirs. Their plan was even better than CACR 38, which addresses both state and federal legislature term limits at the same time. California and Maine weren't saying, 'do as we say', but, 'do as we have already done'. Legislative CACR 38 is saying, 'let's do it together'. It does not say that term limits are good and necessary for congress, but we at the state level are so great that we can run and serve for as long as we desire. Most of the people that I have talked to have assumed that state and federal legislation were included in the term limits. CACR 38 says, as you probably heard someone this morning saying, 'what is good for the goose is good for the gander.' If one really believes that term limits is an answer to good government, then why limit them to just congress? It is a difficult decision to make, relative to term limits, but to say that it is great necessarily for someone else, but not for us, that we are great, that is wrong. It makes one doubt the value of term limits and the sincerity and the real belief in term limits. Usually if something is so great, most, if not all individuals, want to make sure that they are a recipient. That is why that I submit CACR 38. It provides for term limits to both congress and the New Hampshire state legislature. As I said earlier, Maine, California and others set term limits in their state legislature first, then if it works, which it did, I guess, they brought congress into the act. They set a fine example. If you sincerely feel that term limits is one answer for better government, then you have the obligation to include yourself. One of the many problems in reform today is the false impression that there is nothing wrong with the way that I do it, it is the

other person's way that is wrong. A big problem with reform, whether it be local, state or federal government, is the opinion that everyone is doing the wrong thing and all of the reform should begin somewhere else, but not with us. Let's change that. Let's not have that attitude when it comes to term limits, nor any other type of reform. If it is a good idea then let's do both, state and federal legislative bodies should be included. It is true that real reform is not passing the buck, but it is setting an example by making sure that we include ourselves. If there is an ounce of fairness in us and we believe that term limits is good, then we have to provide term limits for both federal and state legislature. If it is not a good idea then neither state or federal legislature should have term limits. As I said earlier, "what is good for the goose is good for the gander." From the many calls received from the term limits, not one individual mentioned state legislature. But let me tell you that when I said to those people who were calling me about term limits, "are you against including state legislature?" and some of them thought that they were included and everyone of them said, "I have no problem, I think that the right thing to do is to include both." That is another reason why I am voting for CACR 38. Let us not act like the person in the old saying, paraphrased, "everybody is wrong but me and thee and sometimes I worry about thee." I will strongly back term limits, and both state and federal legislatures are covered. I think that it is a little condescending and a little wrong to eliminate myself. To ourselves, let us all say, "let there be term limits and let them begin with me." That is done by voting yes to CACR 38. Thank you.

SENATOR LOVEJOY: TAPE INAUDIBLE.

SENATOR J. KING: You mean if the other states don't approve it?

SENATOR LOVEJOY: Yes.

SENATOR J. KING: No, there isn't, this is the thing. If you think that this is a good thing, then let's go do it. If you don't think that and there is doubt in your mind, and if you are waiting to see what happens, wait to see what the other states do before you even pass any legislation.

SENATOR LOVEJOY: TAPE INAUDIBLE.

SENATOR J. KING: Right now, I don't think so. If we think that it is a good thing for government, let us set the example and go from there. Either that, as I said earlier, don't pass any legislation and wait to see what the rest of the country does and then make our decision when it gets up after 35.

SENATOR COHEN: Senator King, I haven't received very many calls on term limits this year. But, would you believe with all sincerity, that out of all of the calls that I have received, each person has not been aware that the other term limits bill did not affect us, state legislators? And each and every case the people that I spoke to were amazed that the other bill did not apply term limits to us as well? In each and every case with people that I spoke with they supported term limits as long as it limited us as well, and they thought that it was exceptionally and obviously unfair unless it applied to us?

SENATOR J. KING: I certainly agree with you because I found out the same thing, that most of the people want the terms limited to both legislatures.

SENATOR HOLLINGWORTH: Senator King, I noticed that yours is a CACR, meaning that it is voted on by the people and it changes the constitution. In fact, isn't that the testimony that we heard last year, that we legislators empowered by the state, really wouldn't have any impact on the congressional legislation? That in fact, that we can't dictate it by decree without opening the constitution?

SENATOR J. KING: Yes, it could possibly. But I think that the right way to go is certainly to allow the people to vote on it and get their opinion, and then we will know for a fact.

SENATOR BLAISDELL: I guess that this will be a would you believe, I guess. I don't know. I guess that I have always believed that the people have the right to make a decision on whether I serve them or I don't serve them. You've seen me dance out of this chamber a few minutes ago, do you think that I can last until I am 80 years old?

SENATOR J. KING: I do. I think that you could go longer than that. I think that you might go until you're 90 or 95.

SENATOR BLAISDELL: Alright. I might consider your bill.

SENATOR LAMIRANDE: Senator King, I can understand that the Senators are paid so exuberantly that that is why we want to limit the terms, but how come it doesn't include Governor and Council?

SENATOR J. KING: Well, I figured that they haven't done that in any other states that I know of, in some states that may have. It would be strange to do that here because what we are trying to do and what we can't do in the state of New Hampshire, is raise the governor to four years, and we haven't been successful in the six years that I have been up here. So I figured that we would just take care of ourselves and set the example, and hopefully, everyone will want to follow us.

SENATOR DISNARD: I will not be redundant. I will only repeat one phrase that Senator J. King said, "let us set the example". We are elected by our constituents to listen to them. Let us set the example by listening to them, but also to allow them to use their pen and vote for this constitutional amendment.

SENATOR BARNES: For Senator Blaisdell's reference I am going to speak as the gander. I would like to urge my colleagues to join in and vote with John King on his CACR 38. I sat in the House for four years, and two of those four years I voted for limits on state senators and state representatives. Last year I was a co-sponsor of a House bill calling for the same type of legislation. For me to be a strong backer of 616, which I am, and not go along with what Senator John King is trying to do, to me would be two-faced. And one of my faces is ugly enough, you don't need two of them. I urge you to please join in and support John King. Please, please, if you support term limits, like I do, go with John King's bill and then on 616 do the same thing, vote yes. Thank you.

SENATOR W. KING: Jack, I apologize. When you said that one of your faces was ugly enough without two, we all turned and said, "boy is he right". And I had a mouth full of coffee, and it was either that or blow it all over Gloria, and I didn't want to do that. I am sorry.

SENATOR BARNES: Explanation is accepted.

SENATOR W. KING: As you all know, I do not support term limits, personally. Last year, I said that we already have term limits, they are called elections. I made a statement about the fact that we limited Chuck Douglas' term and I am very pleased about that, to be quite honest with you. But the fact is, that I could be wrong. I am more than willing to admit that I could be wrong on this. And most other people . . . of the polls that we show, that most people do support term limits. I don't think that it is necessarily because they don't like the way that George Lovejoy does his job, or Wayne King does his job, or Senator Leo Fraser does his job, or the way that Congressman Swett does his job, or Congressman Zelif. I think that it is

just frustration with the system. I think that they are just sick and tired of some of the things that happened and that they are reaching out for ways to solve the problem. But this may be a rational way to do it; but, it is the height of hypocrisies for us to say, "let's have term limits, but let's just have them for the United States Congress and the United States Senate." I am going to vote against the bill that does that, because I think that that is a hypocritical act. If we are going to limit terms, then we ought to limit terms for everybody. I think that it is a mistake. I think that it would be a mistake to lose the wisdom of Junie Blaisdell in the New Hampshire Senate or the wisdom of our Senate President who knows the budget better than anybody else with the exception of Senator Blaisdell.

SENATOR HOUGH (In the Chair): I taught him everything that he knows.

SENATOR W. KING: And if you don't have people like that who are willing to get underneath the hood of the car and tinker with it, and who know it, then you are going to have a budget process that is less than desirable in the end. And that applies to everything that we do. I will vote for this so that we give the people of the state of New Hampshire the opportunity to make a decision themselves, but, I, personally, will go into that voting booth and mark no on my ballot and I will do everything that I can to help make sure that people understand that they already have the ability to limit people's terms and that we ought to be looking for other ways to reform the system and not 'quick fixes' like this.

Question is on the adoption of CACR 38.

A roll call was requested by Senator Shaheen.

Seconded by Senator Barnes.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Blaisdell, Wheeler, Baldizar, Pignatelli, Colantuono, McLane, Podles, Barnes, J. King, Russman, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: Delahunty.

Yeas: 22 - Nays: 1

Adopted by the necessary 3/5 vote.

SB 616, an act relative to term limitations for members of Congress from New Hampshire. Public Affairs Committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: This came out of the Public Affairs Committee with a 6 to 0 vote. It is basically the same piece of legislation that you all heard last year. It was an important, in my opinion, addition to it and it allows write-ins. If a person's time has come up on his years, but he or she has been doing a great job, and his constituents want him or her to be re-elected, he or she can run for a write-in candidate. They cannot go on the ballot, but they can run as a write-in candidate and that does not preclude them from being elected. As a matter of fact, last year, last election, I believe, that there were three congressmen throughout the country that were elected as write-in candidates. So those of us who say that it can't happen, it has happened, and it will continue to happen. I understand, Mr. President, that there is going to be a floor amendment offered and I would like the members to pay attention to that because I think that it might clear up something on this original bill that some of you may not care for. On this bill, SB 616, it talks about congressmen having a six-year term and it talks about Senators having a twelve-year term. Thank you.

Adopted.

Senator Podles offered a floor amendment.

5009B

Floor Amendment to SB 616

Amend RSA 653:4, II as inserted by section 3 of the bill by replacing it with the following:

II. No person shall have his or her name placed upon the ballot for the office of United States representative who, by the end of the term of such office running at the time at which the person seeks nomination for election or election, will have served, or but for resignation would have served, as a member of the United States House of Representatives representing any district in this state for 4 consecutive terms. Terms are considered consecutive unless at least 4 years apart. This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1995.

Amend RSA 655:15-a, I(b) as inserted by section 4 of the bill by replacing it with the following:

(b) By the end of the term of such office running at the time at which that candidate seeks such nomination for election or election, will have served, or but for resignation would have served, as a member of the United States House of Representatives representing any district in this state for 4 consecutive terms. Terms are considered consecutive unless at least 4 years apart.

AMENDED ANALYSIS

This bill limits the number of terms which a United States senator and a United States representative from New Hampshire may serve, beginning on January 1, 1995. The bill limits Congressional terms of office by prohibiting a person's name from being placed on the state primary or state general election ballot as a candidate if, by the end of the person's term the person will have served either as a member of the United States Senate for 2 consecutive terms or as a member of the United States House of Representatives for 4 consecutive terms.

The provisions of the bill are suspended until the secretary of state certifies that a majority of the members of the United States House of Representatives represent states which have enacted statutory or constitutional provisions which limit either ballot access for Congressional candidates or the number of terms or years a person may serve in the United States Congress, or both.

Recess.

Out of recess.

SENATOR PODLES: Mr. President and Senators, the amendment is 5009B. What I am doing here is replacing 'three consecutive terms' to 'four consecutive terms' for U.S. House of Representatives, which is eight years instead of six years. That is all that this amendment does.

SENATOR COLANTUONO: I will be very brief. I just want to say that this has been an excellent example of how citizen action can turn a legislative body around to the will of the people. I want to congratulate New Hampshire Term Limits, lead by Mike Biundo, who led this fight. In one year we have changed the situation where an important item was not accepted by this body and it looks like this year it will be accepted by this body.

SENATOR HOLLINGWORTH: Senator Colantuono, you just said that, "citizen action has brought this about." In fact, by passing this bill, aren't we really kind of deceiving the citizens if that is really what they really

want? Because in fact, this legislation doesn't change what is in the constitution about the terms of those people serving in congress. So in reality, even if you do pass this, this really has no power of law. Is that not true?

SENATOR COLANTUONO: No. That is not true, in my humble opinion.

SENATOR DISNARD: Senator Colantuono, if SB 616 and CACR 38 should both pass, one is twelve years and one is eight years. Which would take the priority with what term limit?

SENATOR COLANTUONO: If they both pass, in my opinion

SENATOR DISNARD: If they both pass the House also.

SENATOR COLANTUONO: If they both pass, in my opinion, and CACR 38 was voted in by the voters, in my opinion, CACR 38 would override SB 616.

SENATOR DISNARD: Thank you.

SENATOR COHEN: Senator Colantuono, would it be fair to characterize this bill as a "do unto others, but not unto ourselves?"

SENATOR COLANTUONO: Well as someone who has voted for term limits for the state legislature in the past, I believe it was two years ago. I believe it just simply doesn't address that issue.

SENATOR SHAHEEN: Senator Colantuono, I am not sure that I understood clearly what you said a few minutes ago. Did I understand you to say that the reason that this legislation didn't pass in the last session is because this body didn't vote for it?

SENATOR COLANTUONO: I said that this legislation was not accepted by this body last year.

SENATOR SHAHEEN: But isn't it correct that this body did in fact, pass a bill that had term limits in it?

SENATOR COLANTUONO: It is correct that this body passed a bill that had term limits in it, but it also contained, as everyone knows, amendments that caused it to not be adopted by this body.

SENATOR SHAHEEN: But in fact, this Senate last year, passed a bill that imposed term limits, is that correct?

SENATOR COLANTUONO: You are absolutely correct, Senator.

SENATOR SHAHEEN: Thank you, Senator Colantuono.

SENATOR MCLANE: Senator, I have had a lot of telephone calls about this bill. You said that it was, "The People's Alliance", and I don't believe that that is the group. I was very cautious. Everyone that called me, and they call at dinner time, and they say, "we want you to vote for SB 616", then when I ask them what is that bill? and not a single person could answer what it was without looking at whatever it was that they had. I then would ask the person, "who asked you to call", and not a single person could answer. I am wondering how you could think that this is grass roots when these are the only telephone calls or letters, except for two very unpleasant letters, but those were the only telephone calls that I have received. Who is watering these grass roots?

SENATOR COLANTUONO: Senator, I can't speak for the voters in district 15 who contacted you. I don't know what their motivation was, but I do know that in a recent campaign, one of the candidates liked to use the expression, "that a certain politician didn't see the light until he felt the heat."

SENATOR W. KING: I am sorry to get up twice. I am going to vote against this bill. I just want to plant one other thought with everybody, including the public. This bill limits the terms of congressmen and senators. It does not limit the terms of lobbyists, okay? Which means that you are . . . already Washington is known as a 'pool of sharks' in which lobbyists basically have the upper hand over many of the legislators, particularly the new ones. Because the new ones don't know the game and don't know enough to recognize that they can say no to a lobbyist and that that lobbyist still has to communicate with you later on. Those of you that have been in this body for awhile, recognize that. You recognize that as you have been around for a little longer, you reach a point where you can smile at a lobbyist and say 'no, I am sorry that I am not with you', but you can still count on that person to provide you with a reasonable amount of information on other issues, just as we do with one another. But you put people who have only a short time in congress with the lobbyists that have been there forever and you are going to have the lobbyists dominating the process more than they already do. That is a great danger to our public, folks. So I would encourage you to vote against this bill.

Question is on the floor amendment.

A roll call was requested by Senator Currier.

Seconded by Senator Shaheen.

The following Senators voted Yes: Lamirande, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Wheeler, Baldizar, Colantuono, Podles, Barnes, J. King, Russman, Bourque, Shaheen, Delahunty.

The following Senators voted No: W. King, Blaisdell, Pignatelli, McLane, Hollingworth, Cohen.

Yeas: 17 - Nays: 6

Floor amendment adopted.

SENATOR LAMIRANDE: I have to tell you that this term limit bill has been a sore spot in my side since 1993. But I would also like to tell you that no number of phone calls from any coalition made a determination for me one way or the other, because I had no preference one way or the other on the term limit bill; However, speaking with my constituents who requested that I support SB 616, on a first name basis, because basically, I know pretty much all of my constituents on a first name basis, this is what they want and this is why I was elected, to listen to what they want. So I am supporting the bill 100 percent. Thank you.

SENATOR HOLLINGWORTH: Senator Lamirande, I know that you would never be swayed by phone calls and I don't think that that entered any of our minds here, that you would be. But, voting for your constituents, I am sure that when you have heard from your constituents on other occasions, there have been times when they haven't had the full facts and you have had to explain to them what the situation is. When you were talking to them, did you tell them, as many of the other Senators have, that this only applies to the congressional; and that in fact, if we passed this that this really had no power in law and that we can't dictate what is going to happen with the congress terms by voting for this piece of legislation? That in fact that this is nothing but a feel-good piece of legislation?

SENATOR LAMIRANDE: Senator Hollingworth, I can assure you that I informed my constituents of that information.

SENATOR HOLLINGWORTH: Thank you.

Question is on ordering to third reading.

A roll call was requested by Senator Barnes.

Seconded by Senator Podles.

The following Senators voted Yes: Lamirande, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Blaisdell, Wheeler, Baldizar, Pignatelli, Colantuono, Podles, Barnes, J. King, Russman, Bourque, Shaheen, Delahunty.

The following Senators voted No: W. King, McLane, Hollingworth, Cohen.

Yeas: 19 - Nays: 4

Ordered to third reading.

SB 672-FN, an act requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings. Public Affairs Committee. Ought to pass with amendment. Senator Bourque for the committee.

4950B

Amendment to SB 672-FN

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Participation of Staff in Adjudicative Proceedings. Amend RSA 363 by inserting after section 29 the following new subdivision:

Participation of Staff in Adjudicative Proceedings

363:30 Definitions. In this subdivision:

I. "Adjudicative proceeding" means the procedure to be followed in contested cases before the commission, as set forth in RSA 541-A:16 through RSA 541-A:20.

II. "Advise" means to discuss, converse or communicate regarding testimony, written comments, discovery, motions, stipulations, evidence, memoranda of law, briefs, findings, conclusions, decisions or orders in an adjudicative proceeding other than as a participant in the course of public proceedings.

III. "Decisional employee" means any commissioner, presiding officer or staff member in an adjudicative proceeding who is specifically assigned to render a decision or make findings of fact and conclusions of law or to assist or advise the commission or presiding officer with respect to issues of law, fact or procedure, in accordance with this subdivision.

IV. "Nonadjudicative proceeding" means any proceeding which is not adjudicative or which precedes the commencement of an adjudicative proceeding.

V. "Party" means an applicant, respondent, petitioner, participant, defendant, complainant, or intervenor in an adjudicative proceeding, and any agent or other person acting on behalf of the above.

VI. "Presiding officer" means the person designated by the commission to preside over a commission proceeding, as described in RSA 363:17. The presiding officer may be a member of the commission or any qualified member of its staff.

VII. "Staff" means the employees of the commission and any consultants and other contractors retained by the commission for the purpose of assisting the commission and its employees in providing advice or information, or for the purpose of supplementing the work of the commission and its employees.

VIII. "Staff advocate" means any staff member who is specifically assigned to advocate as a party with respect to issues arising in an adjudicative proceeding, whether by written or oral testimony, comments or otherwise, in accordance with this subdivision.

363:31 Exclusions.

I. The provisions of this subdivision shall not apply to any communication:

(a) Which is specifically authorized by law; or

(b) Which is one to which all parties agree in writing or which may be made on the record without regard to the applicable provisions of this subdivision in the case of an adjudicative proceeding.

II. For the purposes of this subdivision, "ex parte communication" shall not include a communication with respect to an adjudicative proceeding if such communication:

(a) Is a status report or request for a status report;

(b) Relates to an uncontested matter of procedure; or

(c) Is made in the course of another proceeding of the commission to which it primarily relates, and is on the public record.

363:32 Designation of Employees. Whenever the commission commences an adjudicative proceeding in accordance with the provisions of RSA 541-A:16 through RSA 541-A:20, the commission shall designate members of its staff as staff advocates and decisional employees if requested by a party. Unless the commission provides otherwise, any such designations shall only be applicable to a specified adjudicative proceeding. The commission shall make a list of all current designations available to the public.

363:33 Phased or Segmented Proceedings. If a proceeding is phased or segmented so that one or more parts of the proceeding are nonadjudicative and one or more parts are adjudicative, the commission may by order provide that each phase or segment shall constitute a separate proceeding for purposes of the application of this subdivision.

363:34 Ex Parte Communications in Adjudicative Proceedings. Unless required for the disposition of ex parte matters authorized by law, in an adjudicative proceeding decisional employees assigned to render a decision, make findings of fact and conclusions of law, or assist or advise the commission or presiding officer shall not communicate with any person or party, directly or indirectly, in connection with any issue before the commission, except upon notice and opportunity for all parties to participate. This notice requirement shall not apply to communications between or among commissioners, decisional employees, and personal assistants who have not been assigned as staff advocates in an adjudicative proceeding.

363:35 Separation of Function. No employee designated as a staff advocate in an adjudicative proceeding may advise the commission, its presiding officer, individual commissioners, or any decisional employee designated as such in the same proceeding, with respect to matters at issue in the contested case.

363:36 Assessment of Costs. Costs incurred by the commission in the performance of its duties relating to the designation of employees as staff advocates or decisional employees shall be assessed against public utilities as defined in RSA 362:2 in the manner provided in RSA 363-A. If actual costs incurred by the commission in the performance of its duties under this subdivision exceed the assessed costs for a fiscal year, the additional expenses may be charged and recovered in the manner provided in RSA 365:37 and RSA 365:38.

2 Effective Date. This act shall take effect 60 days after its passage.

SENATOR BOURQUE: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 707-FN, an act lowering the age of eligibility for a nondriver's picture identification card. Public Affairs Committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: I move the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 734-FN, an act relative to fireworks. Public Affairs Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: Our tough laws were enacted upon that has led to a virtual ban on fireworks sales to consumers in New Hampshire. SB 734 does not weaken those laws. It simply sets up a committee of legislators, fire safety officials and industry representatives to determine which of a new generation of safer fireworks will be allowed for sale in New Hampshire. Fire safety groups, including the New Hampshire Association of Fire Chiefs, testified in support of this bill. Major fireworks officials also support the bill. The present law that we have sunsets on August 1. Sorry, it is April 1. Now, without this law, there will be complete open sales of fireworks in New Hampshire and I don't think that we want to see that. But, if this present law sunsets, then we will see this. This bill, Senator, is a consensus of industry of fire safety and of the police enforcement officials and I urge its passage.

Adopted.

Ordered to third reading.

SB 541-FN-LOCAL, an act allowing the commissioner of health and human services to settle small claims against the department. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator Baldizar for the committee.

4952B

Amendment to SB 541-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Small Claims; Department of Resources and Economic Development. Amend RSA 12-A by inserting after section 2-h the following new section:

12-A:2-i Small Claims.

I. The commissioner may use funds accruing to the department of resources and economic development for the payment of small claims of \$100 or less occasioned by non-insured personal loss or accidents due to the activities of the department. Any person claiming loss or damage due to the activities of the department in an amount of \$100 or less may make application to the commissioner for payment. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused as a result of the activities of the department, the commissioner shall make payment to the claimant from department funds.

II. Any person claiming loss or damage due to the activities of the department in an amount of less than \$500, but greater than \$100, may make application to the commissioner for payment of such claim. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused because of the activities of the department, the commissioner shall submit a recommendation to the governor and council for approval of payment to the claimant from department funds.

2 New Section; Small Claims; Department of Corrections. Amend RSA 21-H by inserting after section 8 the following new section:

21-H:8-a Small Claims.

I. The commissioner may use funds accruing to the department of corrections for the payment of small claims of \$100 or less occasioned by non-insured personal loss or accidents due to the activities of the department. Any person claiming loss or damage due to the activities of the department in an amount of \$100 or less may make application to the commissioner for payment. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused as a result of the activities of the department, the commissioner shall make payment to the claimant from department funds.

II. Any person claiming loss or damage due to the activities of the department in an amount of less than \$500, but greater than \$100, may make application to the commissioner for payment of such claim. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused because of the activities of the department, the commissioner shall submit a recommendation to the governor and council for approval of payment to the claimant from department funds.

3 New Section; Small Claims; Department of Safety. Amend RSA 21-P by inserting after section 14 the following new section:

21-P:14-a Small Claims.

I. The commissioner may use funds accruing to the department of safety for the payment of small claims of \$100 or less occasioned by non-insured personal loss or accidents due to the activities of the department. Any person claiming loss or damage due to the activities of the department in an amount of \$100 or less may make application to the commissioner for payment. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused as a result of the activities of the department, the commissioner shall make payment to the claimant from department funds.

II. Any person claiming loss or damage due to the activities of the department in an amount of less than \$500, but greater than \$100, may make application to the commissioner for payment of such claim. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused because of the activities of the department, the commissioner shall submit a recommendation to the governor and council for approval of payment to the claimant from department funds.

4 New Section; Small Claims; Department of Health and Human Services. Amend RSA 126-A by inserting after section 2 the following new section:

126-A:2-a Small Claims.

I. The commissioner may use funds accruing to the department of health and human services for the payment of small claims of \$100 or less occasioned by non-insured personal loss or accidents due to the activities

of the department. Any person claiming loss or damage due to the activities of the department in an amount of \$100 or less may make application to the commissioner for payment. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused as a result of the activities of the department, the commissioner shall make payment to the claimant from department funds.

II. Any person claiming loss or damage due to the activities of the department in an amount of less than \$500, but greater than \$100, may make application to the commissioner for payment of such claim. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused because of the activities of the department, the commissioner shall submit a recommendation to the governor and council for approval of payment to the claimant from department funds.

5 Small Claims; Department of Transportation. RSA 228:29 is repealed and reenacted to read as follows:

228:29 Small Claims.

I. The commissioner may use funds accruing to the department of transportation for the payment of small claims of \$100 or less occasioned by non-insured personal loss or accidents due to the activities of the department. Any person claiming loss or damage due to the activities of the department in an amount of \$100 or less may make application to the commissioner for payment. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused as a result of the activities of the department, the commissioner shall make payment to the claimant from department funds.

II. Any person claiming loss or damage due to the activities of the department in an amount of less than \$500, but greater than \$100, may make application to the commissioner for payment of such claim. The application shall be filed within 60 days of the date the loss or damage is incurred. If the commissioner, upon investigation, is of the opinion that the loss or damage was caused because of the activities of the department, the commissioner shall submit a recommendation to the governor and council for approval of payment to the claimant from department funds.

6 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill allows the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their respective departments. Current law allows the commissioner of transportation to settle such small claims; however, this bill changes the amount and procedure of that law to conform to the requirements under this bill.

Under this bill for all departments, claims of \$100 or less may be paid directly by the commissioner, but claims between \$100 - \$500 must be submitted to the governor and council for approval.

SENATOR BALDIZAR: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

RECONSIDERATION

Senator Hollingworth having voted on the prevailing side, moved reconsideration on **SB 672-FN**, an act requiring the public utilities commission to

designate employees as staff advocates or decisional employees in adjudicative proceedings, whereby we ordered it to third reading.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 617, an act establishing a committee to study the problem of suicide among young people. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator McLane for the committee.

4958B

Amendment to SB 617

Amend section 1 of the bill by inserting after paragraph XII the following new paragraph:

XIII. The director of mental health and developmental services, or designee.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

SENATOR MCLANE: I do just want to say a couple of words about this study and its importance. I am going to add an amendment which adds the president and the New Hampshire Association of Pediatricians to the bill and that will come up in a moment. The evidence that we had at the hearing said that TAPE INAUDIBLE . . . luckily, only one out of two hundred who make a plan succeed. But, I think that we have a real problem here and that there are ways that government and schools could help by learning conflict resolutions. So I would ask you to pass this bill, the amendment that you have before you, and the amendment that I will pass out, that will add the president of the Pediatric Association who has written a report of national significance on the issue of teen suicides.

Amendment adopted.

Senator McLane offered a floor amendment.

4988B

Floor Amendment to SB 617

Amend section 1 of the bill by inserting after paragraph XIII the following new paragraph:

XIV. The president of the New Hampshire chapter of the American Academy of Pediatrics, or designee.

SENATOR MCLANE: It is the American Academy of Pediatrics and this person, President, Doctor Suzanne Boulter is apparently a nationwide expert on teenage suicide and would be an invaluable to the committee.

Floor amendment adopted.

Ordered to third reading.

SB 625-FN-A, an act relative to an in-home care pilot program and making an appropriation therefor. Public Institutions, Health and Human Services Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the committee report of ought to pass.

SENATOR LAMIRANDE: I would just like to commend Senator McLane and Senator Blaisdell on this piece of legislation. I think that it is excel-

lent. It does indicate, 'the pilot program shall terminate two years after the first day of operation of the program,' I would like it to be ongoing and I think that it is wonderful, thank you.

Adopted.

Ordered to third reading.

RECONSIDERATION

Senator Hollingworth having voted with the prevailing side, moved reconsideration on **SB 625-FN-A**, an act relative to an in-home care pilot program and making an appropriation therefor, whereby we ordered it to third reading.

Referred to the Division on Finance (Rule #24).

SB 726-FN, an act changing the title of the division for children and youth services to the division for children, youth, and families. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator McLane for the committee.

4962B

Amendment to SB 726-FN

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

SENATOR MCLANE: The effective date is changed to, 'upon passage'. I think that perhaps that may have jumped the gun a bit in that they are practically calling themselves, The Division of Children and Youth and Families. It comes about because we have a wonderful new director of that division, Lori Lutz. She believes in families, and she wants to emphasize families, and I would urge you to pass this legislation.

Amendment adopted.

SENATOR WHEELER: I just want to say a couple of words about this bill. I don't care what the Division of Children and Youth Services calls itself. I don't care if they call them the Division of Toads and Frogs, it doesn't matter to me. What does matter to me, is that this bill and two or three other bills that have come before this legislature, have been introduced to legalize things that the agency has already been doing, and policy that they have already set. I believe that is putting the cart before the horse. For that reason, I want to go on record as opposing this bill.

SENATOR ROBERGE: Senator McLane, does this legislation have anything in it that would say that they would have to use up their written stock before they officially change their name so that they don't throw out all of their written stock that they have now?

SENATOR MCLANE: I would presume that that is their assumption. I think that they are just about at their end of their written stock now, because as I say . . .

SENATOR ROBERGE: Was the question ever asked at the hearing?

SENATOR MCLANE: I think that it was, and I believe that the answer was that they were obviously going to do their best. They are an economical group.

Ordered to third reading.

Senator Wheeler in opposition to SB 726.

SB 730-FN, an act relative to funding for low income and financially disadvantaged utility assistance programs. Public Affairs Committee. Ought to pass with amendment. Senator J. King for the committee.

4963B

Amendment to SB 730-FN

Amend RSA 471-C:8 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. The provisions of paragraph II shall not apply to a public utility operating or managing any plant or equipment or any part of the same for the conveyance of telephone or telegraph messages.

SENATOR J. KING: I move the adoption of the committee amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 791-FN-A, an act to facilitate cooperative agreements among New Hampshire hospitals and making an appropriation therefor. Public Affairs Committee. Ought to pass with amendment. Senator J. King for the committee.

4951B

Amendment to SB 791-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings of the General Court. The general court finds that:

I. Collaborative and cooperative agreements, as well as mergers, among hospitals in the provision of hospital and hospital-related services may foster further improvements in the quality of health care for New Hampshire citizens, moderate increases in cost, improve access to needed services in rural parts of New Hampshire, and enhance the likelihood that smaller hospitals in New Hampshire will remain open in service to their communities.

II. Hospitals and other providers are in the best position to identify and structure voluntary cooperative arrangements which enhance quality of care, improve access, and achieve cost-efficiency in the provision of care.

III. Because competition is important to the health care sector and some cooperative and collaborative agreements may have anticompetitive effects which would operate to the detriment of the public, regulatory and judicial oversight of such agreements is necessary to ensure that the benefits of agreements outweigh any disadvantages attributable to any reduction in competition likely to result from the agreements.

2 Committee Established; Membership. There is established a committee to study the issue of establishing health care provider cooperative, collaborative, and merger agreements in New Hampshire. The members of the committee shall be as follows:

I. Three members of the house of representatives, appointed by the speaker of the house.

II. Three members of the senate, appointed by the president of the senate.

3 Duties. The committee shall study the issue of fostering health care provider cooperative and collaborative agreements in New Hampshire. The committee's study shall include, but not be limited to, the following:

I. The Maine Hospital Cooperation Act of 1992 and relevant legislation and administrative rules in Vermont and New Hampshire.

II. The New Hampshire and federal antitrust laws.

III. Barriers that may exist among health care providers in New Hampshire.

IV. Initiatives that the Federal Trade Commission issued in September, 1993.

V. Any other relevant information.

4 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named senate member within 30 days of the effective date of this act. The members of the committee shall receive mileage at the legislative rate when attending to their duties on the committee.

5 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the president of the senate, the speaker of the house and the governor on or before November 1, 1994.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of creating health care provider cooperative and collaborative agreements in New Hampshire.

Senator J. King moved to have **SB 791-FN-A**, an act to facilitate cooperative agreements among New Hampshire hospitals and making an appropriation therefor, laid on the table.

Adopted.

LAIID ON THE TABLE

SB 791-FN-A, an act to facilitate cooperative agreements among New Hampshire hospitals and making an appropriation therefor.

SB 727-FN, an act extending the driver attitude training program. Transportation Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 106, an act removing the requirement that the state vaccinate bovines against Brucellosis. Transportation Committee. Ought to pass with amendment. Senator Roberge for the committee.

4483B

Amendment to HB 106-FN

Amend RSA 436:47 as inserted by section 1 of the bill by replacing it with the following:

436:47 Vaccination Against Brucellosis. Upon application of any owner of bovine animals, the state [shall] *may* vaccinate said bovine animals against brucellosis (Bang's disease) with strain 19 or other approved vaccine. The age at which animals are to be vaccinated shall be determined by the state veterinarian, based upon the recommendations of the United States Animal Health Association and the United States Department of Agriculture. The cost of said vaccination, including the cost of the vaccine, [shall] *may* be borne by the state. The vaccination shall be done by a licensed accredited graduate veterinarian under the direction of the commissioner, and all animals vaccinated shall be properly and permanently identified.

SENATOR ROBERGE: I move the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

SB 646-FN, an act relative to the taking of freshwater smelt. Transportation Committee. Inexpedient to legislate. Senator Disnard for the committee.

SENATOR DISNARD: I move the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

TAKEN OFF THE TABLE

Senator McLane moved to have **SB 654**, an act establishing a committee to study the feasibility of instituting a kindergarten voucher program, taken off the table.

Adopted.

Senators McLane and Colantuono offered the following floor amendment.

5016B

Floor Amendment to SB 654

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the feasibility of instituting
a statewide kindergarten program.

Amend the bill by replacing section 1 with the following:

1 Study Committee Established; Duties. There is hereby established a committee to study the feasibility of establishing a statewide kindergarten program. The study shall include the benefits, costs, vouchers and other constitutional methods of financing.

Amend paragraph VIII of section 2 of the bill by replacing it with the following:

VIII. The commissioner of education, or designee.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of establishing a kindergarten program.

The committee shall make a report of its findings, including recommendations for legislation, to the senate president, the speaker of the house and the governor on or before November 1, 1994.

SENATOR MCLANE: This is the Senators Colantuono and McLane lovefest and we would ask you all to vote for it?

SENATOR BARNES: That is on the record, I hope?

SENATOR MCLANE: Well, there he is.

Floor amendment adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 129, relative to the overnight use of vessels and prohibiting the discharge of sewage into certain waters.

SB 143-FN, establishing a process for policy analysis of state agencies and making an appropriation therefor.

SB 162-FN-LOCAL, authorizing the sweepstakes commission to establish video lottery games.

SB 183-FN-LOCAL, requiring the tax collector to notify certain mortgagees prior to execution of a tax deed.

SB 215-FN, providing a cost of living adjustment for group II permanent firemen members of the New Hampshire retirement system.

SB 230-FN, relative to sprinkler systems in residential care homes and supported residential care facilities.

SB 234-FN-A-LOCAL, relative to the return of revenue to cities and towns.

SB 235-FN-LOCAL, relative to involuntary emergency admissions.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill sent down from the Senate:

SB 236-FN-A, allowing a tax credit against the business profits tax for certain businesses.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Bills sent down from the Senate:

SB 27, establishing a committee to study the apportionment of county taxes.

SB 68, establishing a challenge grant to restore and preserve the Nansen ski jump facility.

ANNOUNCEMENTS

SENATOR BARNES (Rule #44): It has come to my attention through reading a local newspaper yesterday, a front page story that had some numbers attached to the article, 0 through 12. And I want to go on record as saying that the person who wrote that apparently made a big mistake, either that or he doesn't understand a few things. When my friend Senator McLane, and my friend Senator Shaheen, and my friend Senator Baldizar had numbers like 0 and 1, and any of you that saw that Bo Derek movie know that those three ladies are number 10's. I think that Mr. DiStaso owes an apology to them for calling those folks 0's and 1's, they are 10's in my mind.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, February 10, 1994 at 1:00 p.m.

Adopted.

CACR 38, an act Relating To: term limits for federal and state representatives. Providing That: the terms of office for the members of the United States Congress from New Hampshire and for the members of the New Hampshire house and senate shall be limited to 12 years.

Question is ordering CACR 38 to third reading and final passage.

A 3/5 division vote is required.

Adopted.

CACR 38 is ordered to third reading and final passage by the necessary 3/5 vote.

Late Session

Third Reading and Final Passage

HB 106, an act removing the requirement that the state vaccinate bovines against brucellosis.

SB 503-FN, an act relative to the practice of electrology and the collection of certain fees.

SB 528, an act relative to central business service districts.

SB 533, an act prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board.

SB 541, allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments.

SB 596-LOCAL, an act relative to property taxes on property sold to religious and charitable organizations.

SB 598, an act extending lapse dates of certain appropriations in 1993, 359 (HB 25-A).

SB 616, an act relative to term limitations for members of Congress from New Hampshire.

SB 617, an act establishing a committee to study the problem of suicide among young people.

SB 653, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council.

SB 654, establishing a committee to study the feasibility of instituting a statewide kindergarten program.

SB 690, an act establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees.

SB 707-FN, an act lowering the age of eligibility for a nondriver's picture identification card.

SB 719, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.

SB 726-FN, an act changing the title of the division for children and youth services to the division for children, youth, and families.

SB 727-FN, an act extending the driver attitude training program.

SB 734-FN, an act relative to fireworks.

SB 793-A, an act relative to the Pease development authority and making an appropriation therefor.

SCR 10, to request Congress to allow all states east of the 100th meridian to regulate the export of unprocessed logs.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Thursday, February 10, at 1:00 p.m.

Adopted.

Adjournment.

February 10, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

A member of this body asked me about the observations I made here the other day concerning Madonna and Mother Theresa. He wanted to know whether I was implying the higher vote getters in that recent evaluation you all received were the ones more like Madonna than Mother Theresa or the other way around. I pleaded the fifth amendment. I will say this, however, within each one of us, without exception, lies the potential for Mother Theresa like accomplishments of astonishing goodness. And within each one of us, without exception, lurks the shadowy possibility of Madonna-like shallowness. Run to the one. Flee from the other. Reinforce, O Lord, with the steel rods of Your grace, the backbone of each person in this chamber. And sand any rough edges off their politics which keep them from serving us well.

Amen

Senator Disnard led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SUSPENSION OF THE RULES

Senator Hollingworth moved that the rules of the Senate be suspended to allow a committee report not previously advertised in the calendar.

HB 624, an act creating a unit within the department of environmental services to certify certain scientists.

Adopted by the necessary 2/3 vote.

HB 624, an act creating a unit within the department of environmental services to certify certain scientists. Finance Committee. Ought to pass. Senator Hollingworth for the committee.

Adopted.

Recess.

Out of recess.

Senator Hollingworth offered a floor amendment.

5080B

Floor Amendment to HB 624-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certification of and fees for wetland scientists
and changing the title of "natural scientists" to
"soil scientists," and making an
appropriation therefor.

Amend the bill by inserting after section 13 the following and renumbering the original section 14 to read as 15, respectively:

14 Appropriation. There is appropriated the sum of \$10,000 for the biennium ending June 30, 1995, to the board of wetland scientists. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill:

(a) Adds the board of wetland scientists to the joint board of engineers, architects, land surveyors, foresters, and natural scientists, and changes the title of natural scientists to soil scientists.

(b) Creates a new subdivision certifying wetland delineators and wetland scientists.

(c) Establishes the board of wetland scientists.

(d) Establishes certification regulations and standards for persons who are employed as wetland delineators or wetland scientists.

(e) Delineates the powers and duties of the board.

(f) Sets forth the qualifications for applicants seeking certification by the board and the procedures for renewal of certification by the board.

(g) Grants rulemaking authority to the board to adopt rules relative to the provisions of this bill.

(h) Makes an appropriation to the board of wetland scientists.

SENATOR HOLLINGWORTH: The floor amendment appropriates \$10,000 to the Wetland Scientist Board for the biennium ending June 30, 1995. These are start-up costs for Board per diem and travel, current expenses, and probably some part-time. This is a general fund appropriation, but board's commissions are required by law to recover 125 percent of expenditures. So once rules and fees are established, these funds will be paid back to the general fund. There are no funds in the joint board's appropriation for this board.

Floor amendment adopted.

Ordered to third reading.

HB 382, an act changing the annual rate of interest on judgments and business transactions. Banks Committee. Split report: Ought to pass with amendment. Senator Fraser for the committee. Split report: Inexpedient to legislate. Senator Disnard for the committee.

4335B

Amendment to HB 382

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Interest Changed. Amend RSA 336:1 to read as follows:

336:1 Rate of Interest. The annual rate of interest on judgments and in all business transactions in which interest is paid or secured, unless otherwise agreed upon in writing, shall equal [10] 7 percent.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill changes the rate of interest on judgments and business transactions from 10 to 7 percent, unless otherwise agreed upon in writing.

SENATOR DISNARD: Mr. President and members of the Senate, I rise for inexpedient to legislate for the following reasons: this bill has been through the legislature a number of times, and the supporters of it keep coming back and coming back and coming back. If the interest rate on judgements and business trends transactions are reduced, there will be no incentive for defendants who owe money to settle law suits and pay their business debts. Under the present system, a person who owes money has the significant inducement to pay the debt promptly, because it costs more to delay payment of the debt than it does to borrow money to pay the debt. If the interest rate is reduced to seven percent, the person owing the money will have

no incentive to borrow the money to pay his or her debt. In the case of insurance companies, the situation is even more unfair. Frequently, it takes several years to get a case before a judge or jury. If the interest rate is at seven percent, then the insurance has absolutely no incentive to settle the case until the courthouse steps, which they do many times. Why should an insurance company settle a case today, when it can make more money investing, and paying the claim two or three years down the road? Testimony, and no one disagreed with it, showed the cost of a loan last year was 10 percent. One contractor has in excess of \$200,000 on his books. If we do as those supporters wish us to do, who would monitor the 'T' rate, who would monitor it? In 1981 these people aren't telling you that the interest rate was 15 to 24 percent in those years. They didn't offer then to lower it to 10 percent. In August, listen to this now in August, 1992, the feds recommended a seven percent discount rate and that did not include inflation. I am just saying out of fairness to those that are owed money, please vote inexpedient to legislate.

SENATOR LAMIRANDE: Members of the Senate, I totally agree with Senator Disnard. I feel that if this bill were to pass, that any individual who has an outstanding judgement against a defendant, would lose twofold. First of all, most times, as Senator Disnard pointed out, an individual would have to borrow the money to be able to take the case to court. They are not borrowing at a seven percent interest rate, they are not even borrowing at a ten percent interest rate. It is more likely that they are borrowing at a 13 and 14 percent interest rate. What this bill does, the way that it is right now, it does not account for the change in the economy. Ten or fifteen years ago, you were looking at a personal loan at 20 percent. Today, you are not looking at a loan that high. But an individual has to have some leeway and with the passing of this bill, it would totally go against any possible leeway that an individual would have. I hope that you support Senator Disnard's motion as inexpedient to legislate.

SENATOR FRASER: You were referring to the federal government. Do you know what the interest rate on judgements is in the federal courts today?

SENATOR DISNARD: No, sir.

SENATOR FRASER: Would you believe, that the 'T' bill rate, which is today at 3.68 percent?

SENATOR DISNARD: Sir, I repeat what I said before, 'the federal government, a year ago in August, almost two years ago, in 1992, recommended seven percent discount rate, and that didn't include the cost of inflation. If they were stating then, seven percent cost to borrow money, and inflation has increased, then I would say that we should think of the poor guys who are the bankers and the insurance companies, and the people who owe money would not pay their bills.

SENATOR FRASER: Mr. President and members of the Senate, in order to get this bill in proper perspective I think that a little bit of history is necessary. First of all, in 1992 there was a bill that was introduced by Representative Paul LaMott that would have reduced the interest on judgements from ten percent to eight percent. In fact, Senator Hough was a co-sponsor of that legislation. The bill passed the House on a voice vote, and came over to the Senate, and it was killed in the Senate. It was reported out by Senator McLane as inexpedient to legislate, and it failed on a voice vote. Last year, Representative Bob Mercer introduced this bill, the one that we are talking about today. What this bill is supposed to do is to have the interest on judgements at the 'T' bill rate plus two points, which today

would be 5.96. During the course of all of the deliberations, I tried very hard to get some sort of a compromise. I think that most of you know that I have been working on this piece of legislation for a number of months now. But at any rate, I wasn't successful, and this body was kind enough to allow me to re-refer the bill last spring when it came onto the floor, to see if something could be accomplished. What I did was, with the help of the Senate Counsel, I arranged to meet with the president of the New Hampshire Trial Lawyers Association and the incoming president to see if something could be worked out in terms of the seven percent that I was proposing. Obviously, it didn't work, because of the fact that you have that pink sheet in front of you today. It should be noted that this bill was introduced by Representative LaMott and cosponsored by Senator Hough in 1992 at the request of the Department of Transportation. The whole idea of this bill was that they were getting clobbered on eminent domain proceedings where they had to take the case to court, and by the time that the court made a resolution, and beyond whatever the court determined was a fair amount for the property that was being taken, they had to also pay a 10 percent premium. As the process evolved, the BIA came aboard to support what I was trying to do, as did the insurance industry, and as did the Medical Society, the Hospital Association, the Tort Reform Coalition. The only ones that opposed this today are the trial lawyers. I want to make it clear that the New Hampshire Bar Association supports what I am trying to do. Their concern was that if we went to the "T" bill rate, plus two points, that it would become an accounting nightmare. What they suggested was, "please if you are going to reduce the rate, we don't deny that there is a need to reduce the rate on interest on judgement, please give us a solid figure so that there will be something that we can look forward to." I have before you today, my colleagues, an amendment which would reduce the rate on interest on judgments from ten percent to seven percent. It is very simple, and I would appreciate your support very much.

Question is on the committee amendment.

A roll call was requested by Senator Fraser.

Seconded by Senator Currier.

The following Senators voted Yes: MacDonald, Fraser, Lovejoy, Roberge, Barnes, Delahunty.

The following Senators voted No: Lamirande, W. King, Currier, Disnard, Blaisdell, Wheeler, Baldizar, Pignatelli, Colantuono, McLane, Podles, J. King, Russman, Bourque, Shaheen, Hollingworth, Cohen.

Yeas: 6 - Nays: 17

Amendment fails.

Motion of ordering to third reading fails.

Senator Disnard moved inexpedient to legislate.

Adopted.

HB 382 is inexpedient to legislate.

SB 532, an act relative to jewelers' liens. Banks Committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 558, an act relative to imposing late payment fees on retail credit customers. Banks Committee. Ought to pass with amendment. Senator Fraser for the committee.

5027B

Amendment to SB 558

Amend RSA 358-K:4-b as inserted by section 1 of the bill by replacing it with the following:

358-K:4-b Delinquency Charge. Notwithstanding any provision of law to the contrary, an installment seller or a holder of a revolving consumer credit agreement may, pursuant to such agreement charge, receive and collect a delinquency charge on any payment not paid in full within 15 days of its due date in an amount equal to \$10; provided, however, that no such delinquency charge shall be charged, received or collected unless said installment seller or holder at least 30 days prior thereto, shall have mailed a notice informing its installment buyers of the change in terms of such agreement providing for the charging, receiving and collecting of such delinquency charge and disclosing the amount of such delinquency charge that may be imposed under said agreement. Any such delinquency charge shall not be included in the computation of the finance charge.

AMENDED ANALYSIS

This bill allows holders of consumer credit agreements to impose a late charge of \$10 for any installment payment which is late.

SENATOR FRASER: I moved the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Senator Colantuono in opposition to SB 558.

SB 570, an act restricting credit card finance charges. Banks Committee. Inexpedient to legislate. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 684, an act limiting fees charged by companies for checks drawn on insufficient funds. Banks Committee. Ought to pass with amendment. Senator Lamirande for the committee.

5033B

Amendment to SB 684

Amend the title of the bill by replacing it with the following:

AN ACT

limiting fees charged by companies and lenders for
checks drawn on insufficient funds.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Consumer Credit Transactions; Insufficient Funds Check Fees. Amend RSA 358-K by inserting after section 4-a the following new section:

358-K:4-b Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the creditor may charge and collect under this chapter, the creditor may charge and collect from the

consumer a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the consumer in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

3 New Section; Retail Installment Sales of Motor Vehicles. Amend RSA 361-A by inserting after section 8 the following new section:

361-A:8-a Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the holder may charge and collect under this chapter, the holder may charge and collect from the buyer a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the buyer in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

4 New Section; First Mortgage Bankers and Brokers. Amend RSA 397-A by inserting after section 16 the following new section:

397-A:16-a Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the lender may charge and collect under this chapter, the lender may charge and collect from the borrower a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the borrower in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

5 New Section; Second Mortgage Home Loans. Amend RSA 398-A by inserting after section 3 the following new section:

398-A:3-a Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the lender may charge and collect under this chapter, the lender may charge and collect from the borrower a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the borrower in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

6 New Section; Regulation of Small Loans. Amend RSA 399-A by inserting after section 5-a the following new section:

399-A:5-b Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the licensee may charge and collect under this chapter, the licensee may charge and collect from the borrower a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the borrower in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

7 New Section; Conditional Sales Contracts; Consumer Goods. Amend RSA 399-B by inserting after section 2 the following new section:

399-B:2-a Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the seller may charge and collect under this chapter, the seller may charge and collect from the buyer a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the buyer in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

8 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill limits fees charged by companies and lenders for checks drawn on insufficient funds.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 698, an act requiring the department of resources and economic development to advertise only out-of-state to promote New Hampshire business. Economic Development Committee. Inexpedient to legislate. Senator W. King for the committee.

SENATOR W. KING: Contrary to what you may think, this bill is not about the campaign ads that Channel 9 has been running for the governor. The committee recommends inexpedient to legislate.

SENATOR COLANTUONO: Could you please explain, what campaign ads that you are referring to, since, I don't believe that we are in a campaign season?

SENATOR W. KING: I know that. I am referring to the warm fuzzy ones that you can see on Sundays after the talk shows.

Committee report of inexpedient to legislate is adopted.

SB 631-FN-A, an act relative to an integrated computer network within the department of education, and making an appropriation therefor. Education Committee. Ought to pass. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 703-FN, an act creating a university system research development fund. Education Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 146, an act regarding the use of medicaid enhancement funds. Finance Executive Committee. Inexpedient to legislate. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 199, an act relative to eligibility for medical benefits for group II retirement system members. Finance Executive Committee. Inexpedient to legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 225, an act relative to shoreland protection. Finance Executive Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: This is a bill that finally implements some of the shoreland protection that we passed four years ago, putting \$92,000 from the general fund into Environmental Services in order to hire two people.

Adopted.

Ordered to third reading.

SB 668-FN-LOCAL, an act abolishing the New Hampshire retirement system special reserve account. Finance Executive Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 749-FN, an act relative to the workers' personal care assistance program. Finance Executive Committee. Ought to pass with amendment. Senator McLane for the committee.

5020B

Amendment to SB 749

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 1995.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

CACR 37, an act Relating To: the governor's veto power. Providing that: the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. Finance Executive Committee. Inexpedient to legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: Mr. President and members of the Senate, we have had many discussions on this bill over the last 27 years, I believe, in this Senate. Your minds are already made up. I know that the debate will say that 'why shouldn't we do it, 30, 40, 50 other states do it'? Well, I may come back and say to you, that maybe 40 other states have an income tax too, why don't we do that? We could really get into a tough debate on that. It is a philosophy and I am not willing as a senator for my district to come in and to give away my responsibilities to the people in my area, to let the governor just line item veto, whether it be Meals on Wheels for you, or kindergarten or Health and Human Services, or anything else, or children, Senator Podles, you want to listen to this. Don't abdicate your power to the governor. If that is the case, you should just forget about coming here and let him do his budget, and we should just stay home. So, I say to you, that the bill should be inexpedient to legislate. Let us formulate, let us appropriate. He can suggest, but let us appropriate and make a decision at the end. We have done it for years and we have a budget. We have a Capital Budget and we have many other things, a Business Enterprise tax, all the way through, because we debated it here. If you want to give him that power, then please, be my guest.

SENATOR PIGNATELLI: Senator Blaisdell, isn't it true that the governor, if he has problems with the budget, that he can veto the entire budget, so that it could come back and we could work on it again?

SENATOR BLAISDELL: That, Senator Pignatelli, is the process that has been going on here for a long time, just like our salaries stayed at \$100 a year. So that has been going on for a long time and we should keep it that way. That is the way that it should be, you're right, absolutely right.

SENATOR PIGNATELLI: Thank you.

SENATOR MACDONALD: Senator Blaisdell, if you would look at the bill, section three, it states, "that the selectmen of the towns in the November election of this year," that it will put a, "warrant article on." Did anyone propose an amendment because there is no way that you can put an article on at this time?

SENATOR BLAISDELL: Not that I know of.

SENATOR MACDONALD: So the bill is flawed because of that?

SENATOR BLAISDELL: Absolutely.

SUBSTITUTE MOTION

Senator Colantuono moved to **substitute ought to pass for inexpedient to legislate.**

SENATOR COLANTUONO: I rise as the prime sponsor of this bill, CACR 37 to institute the governor's line-item reduction and line-item veto. Senator Blaisdell's probably correct that people have all made up their minds, so I will be brief. Senator Blaisdell is also correct that numerous states have this. In 43 states, governors have this power. And every single poll that I have ever seen regarding whether the President should have it, the people seem to support this idea. The governor already has the power to veto every single bill, and we all know that. So the argument about us all just going home and letting the governor run our government is a phony argument. If an item in the Capital Budget, that the governor of this state, thinks should be reduced or eliminated, and it is such a worthy item, we can still override the governor's veto by a 2/3rds vote. And I am sure that we would. But, what I don't like to see, and the reason that I support this bill, is because of exactly what happened last spring with the Capital Budget. When we had to go through that torturous experience, and we had to wait for months; and we had people waiting for employment, and we had bulldozers sitting idle, and we had projects not going on. All because the governor, who had a problem with a portion, probably about ten percent of that Capital Budget bill was forced by our Constitution to veto the entire Capital Budget, rather than lining out those items that he didn't like. If we had a line-item veto in place, I am certain that the governor's objections would have been dealt with in a week or two and all of the work would have gone on this summer that should have gone on this summer. So, having said that, I would urge a vote of yes on the substitute motion.

SENATOR MCLANE: Senator Colantuono, one of the things that I think would be very bad about this bill, it would mean that the Governor never had to communicate with the elected body, the Senate or the House of Representatives. Isn't it true that over the discussion of the Capital Budget, that the Governor never indicated what he wanted until the bill was on his desk and he had to veto it? Wouldn't it have been simple for the Governor to walk down the hall and go tell Junie Blaisdell what he would accept and what he wouldn't, come talk to us? And wouldn't you think that if this bill passed that you would have the governor locked up in his corner office and he wouldn't have any reason to have to speak to us?

SENATOR COLANTUONO: Well under our statutes, the Governor has to talk to us because it is the governor's responsibility to hold budget hear-

ings and then present the budget. So the governor, by virtue of state law, is required to talk to us. I am not privy to all of the private communications that the governor had with various members of this body, so I can't answer the rest of your question.

SENATOR MCLANE: I guess I don't understand what you're saying when you say that the "governor holds public hearings." We hold public hearings.

SENATOR COLANTUONO: That's right.

SENATOR MCLANE: I think that it would be nice if the governor came and presented what he thought at that time.

SENATOR COLANTUONO: Well I remember seeing pictures on the television of the governor coming into the hearings, and rolling up his sleeves, and talking about the budget. I believe that that happened.

SENATOR BALDIZAR: Senator Colantuono, I have to ask you whether you believe your statement is correct about why the governor vetoed the Capital Budget and some of the items in it. I think that it is an incorrect statement, because I think that the Governor vetoed the Capital Budget for a specific reason. I also think that some of the projects that were in the Capital Budget that you referred to that we were in jeopardy of losing funding for and federal funding, I don't think that the governor or the governor's Office caught that until the very last minute. I don't think that he would have vetoed the Capital Budget had he realized that we would be in jeopardy of losing federal funds for some of those projects. So I am not sure that that is really a correct statement, and maybe you need to clarify that.

SENATOR COLANTUONO: The simple point that I am making is regardless of why the governor vetoed anything in the last session, and I don't want to debate with you about it; I am sure that you have your view, and I have mine. But the point is, that the institutional process that we have because we don't have a line item veto, is flawed.

SENATOR MACDONALD: Would you agree that in this present form that there is no way that this bill could take effect of section two and section three, the way that you have got it here without an amendment? You couldn't do anything until next year, at town meetings?

SENATOR COLANTUONO: No. The section says that it has to be submitted to the voters on November 1994.

SENATOR MACDONALD: Oh. Well don't you agree with section three, that it says that they must get a warrant? It said 1994 town meeting which takes place in March?

SENATOR COLANTUONO: I don't see the word 'March' in there, Senator.

SENATOR MACDONALD: What you are saying here is, "that the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for said 1994 elections an article to the following effect." I thought that based on town government, that you had to do it at the town meetings and that you couldn't do that type of warrant on a general election?

SENATOR COLANTUONO: If you read section V, "The secretary of state shall print the ballot to be voted on at the general election in November." That is what the bill requires.

SENATOR J. KING: Senator Colantuono, does the governor at the present time, have the power to veto?

SENATOR COLANTUONO: The governor has the power to veto an entire budget bill.

SENATOR J. KING: But he still has the power to veto?

SENATOR COLANTUONO: He has the power to veto. And the point that I made is that it is not a proper way to handle a budget bill with so many items. It is a proper way to handle a single bill, on a single issue. Or even maybe two or three issues, but not for an entire budget. That is why 43 states have a line-item veto.

SENATOR J. KING: In the past, hasn't the governor, this governor, and every other governor in the past, with very few vetoes ever overridden, made it quite clear why they were vetoing that budget or vetoing a bill?

SENATOR COLANTUONO: The governor is required to send a veto message stating the reasons for vetoing a bill.

SENATOR J. KING: Thank you.

SENATOR ROBERGE: Senator Colantuono, do you believe, that I believe, that I am looking forward to voting for this measure? One, it gives the constituents a chance to decide? And even more importantly, I believe, it will save our constituents tax money?

SENATOR COLANTUONO: I would believe that, Senator.

SENATOR LOVEJOY: I rise to seek your support of the substitute motion of ought to pass. I do it for a couple of reasons, one very important one is, that I believe in going to the people whenever possible, to get their opinion on something as important as this. It is true that they elect the Senators and the House of Representatives. This question has been with us for as long as I can remember. But we have never once, given it to the people. We have never once, found that within our ability, to trust the people with their vote, whether or not they support a gubernatorial line-item veto. I think that is very important. I also think that that is a way that we can put it to rest. If we go to the people and the people say no, then I am sure that it will be put to rest by this legislative body. But if we continue to block the people as we have in the past, from voicing their opinion on this important question, then it is going to come back before the legislature time and time again, as it has in the past. I trust the people's voice, I trust them. We work for the people. Something like this should go to the people, we should seek their advice and their consent and their vote, and let them decide. I think, too, and I agree with the comment that was made that this could save the people money. It could save us money. It certainly is going to save the legislature time, because we won't have to debate it again in the future. I urge you to support the substitute motion. Thank you.

SENATOR SHAHEEN: I'm not supporting this bill, but I want to respond, Senator Colantuono, to what you have said. Because I think, in fact, what happened with the Capital Budget last session, was exactly the way that the process should work. I didn't particularly like all of the outcome of it. But I think that that is the way that it should work. Because I think government is compromise, and it is give and take. If you set up a line-item veto, then you don't have the opportunity for compromise the way that we had it on the Capital Budget. The fact is, the governor didn't like the fact that we said that we weren't going to use the Union Leader Building, so we set up a process to decide whether that was going to be good for the state or not. And as I said, I don't like the outcome of that process, I don't think that we ought to be using the Union Leader Building for the Manchester Court House. On the other hand, I think, that we now know how much it

is going to cost the state and all of the ramifications of that. We wouldn't have that information if we had just allowed the governor to veto that item out of the Capital Budget; furthermore, we wouldn't have had a number of projects in that Capital Budget that this Senate voted for and believed were important to the state, items like the technical center in Nashua. There were several other post secondary projects that were in that budget. I think that it is a very important process that the legislative passes a budget, and then the governor has to work with us in terms of what we do with that. I think that this Capital Budget that the governor vetoed was a perfect example of that.

SENATOR W. KING: I guess that I would like to say a couple more things about the difference between the Capital Budget process and the Operating Budget process, because I think that, to some extent, it outlines how you should behave in the budget process and how you shouldn't behave in the budget process. If I were Governor, I would love to have the line-item veto so that I wouldn't have to participate in that process, I suppose. But I think that it is very, very, important that the governor does participate in the budget process. For those of you that sat over in rooms 210 and 211 with the Committee of Conference on the budget, you know that the governor's staff was there, and you also noticed that the governor on occasion was over there talking with members of the Committee of Conference. That is the way that the budget process ought to work. And frankly, that is the way that the legislative process ought to work outside of the budget. The governor indeed participated with us in the budget process. And, ultimately, we achieved something that we all were able to live with. It is my understanding from the Capital Budget process that that is not the way that things worked. That the governor didn't let people know the problems that he had with that. And in fact, the newspapers, the day after he vetoed it, didn't say that he vetoed it because of the Union Leader Building. It said that he vetoed it because we spent too much money. Three months later, the governor has approved \$60 million in new bonding for the Pease Development Authority. He has approved putting the Brown Building back into the Capital Budget. He has approved spending much more money than he wanted us to take out in the first place. If the governor had just participated more fully in the Capital Budget process, the same way that he had in the budget process, we probably wouldn't have had the turmoil that Senator Colantuono was referring to. This is a process. And it is a process that the governor must participate in too, if we are all to be successful in that process. I urge you to vote against the pending motion.

SENATOR BARNES: Senator King, would you believe, that you and I must read different papers? The paper that I read spelled it out the day after. That he was concerned about the Union Leader Building and the school?

SENATOR W. KING: Thank you, Senator Barnes. I know that the governor did express some concern over the Union Leader Building. But he also said that the bottom line for him, was that we were spending too much money.

SENATOR MCLANE: I may change my mind on this bill, Senator King, are you going to run for governor?

SENATOR W. KING: Senator, I am planning on running for my life.

SENATOR WHEELER: I rise in strong support of CACR 37. In the last ten years, New Hampshire's spending after being adjusted for inflation and per capita, has increased 30 percent. Give the governor this tool to get a handle on spending in New Hampshire. If any project is vetoed, it should be able to stand on its own two feet for a 2/3rds vote in both Chambers. Give the governor the tool to cut out the pork.

SENATOR J. KING: Senator Wheeler, can you tell me what party has been controlling our state for the last 12 years?

SENATOR WHEELER: Yes.

SENATOR HOLLINGWORTH: I am just sitting here and I am trying to settle in my mind what you have just said, Senator Wheeler. You said something about, give the power to the governor. You know, as long as I have been here, this has been a republican controlled House, a republican controlled Senate, and a republican governor. Is that not true?

SENATOR WHEELER: That is true.

SENATOR HOLLINGWORTH: Thank you.

SENATOR COHEN: This clearly represents a radical transformation, a dramatic reversal of our traditional system of our checks and balances; therefore, I have to vote against the substitute motion.

Question is on the substitute motion of ought to pass.

A 3/5 vote is required.

A roll call was requested by Senator Barnes.

Seconded by Senator Currier.

The following Senators voted Yes: MacDonald, Fraser, Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

The following Senators voted No: Lamirande, W. King, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

Yeas: 11 - Nays: 12

The 3/5 vote required was not obtained.

Substitute motion of ought to pass fails.

Question is on the committee report of inexpedient to legislate.

Adopted.

Committee report of inexpedient to legislate is adopted.

SB 519, an act requiring all health maintenance organizations offering insurance to clearly state any restrictions on an insured's choice of physician. Insurance Committee. Inexpedient to legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 554, an act relative to insurance information and privacy protection. Insurance Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 555, an act relative to health insurance which covers family members and making technical corrections to the insurance laws. Insurance Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 619-FN, an act relative to a cost of living adjustment for retired firefighters. Insurance Committee. Ought to pass with amendment. Senator Shaheen for the committee.

5030B

Amendment to SB 619-FN

Amend the bill by replacing section 1 with the following:

1 Supplemental Allowance for Group II Permanent Firemen Members. As of July 1, 1994, all group II permanent firemen beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before June 30, 1993, and who are receiving retirement allowances according to RSA 100-A or RSA 102 shall receive an additional allowance, calculated as a percentage, equal to the funds which are available in the fire component in the special account. The additional allowance shall become a permanent addition to each beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

SENATOR SHAHEEN: What it does is to provide a cost of living adjustment for retired fire fighters who are in Group II. They haven't had one in four years.

SENATOR COLANTUONO: I have a simple question. Does the amendment change the fiscal note, anything in the fiscal note?

SENATOR SHAHEEN: The actuary of the Retirement System has determined that the bill has no fiscal impact on state, county, and local revenues.

SENATOR COLANTUONO: So the amendment doesn't change that?

SENATOR SHAHEEN: No.

SENATOR COLANTUONO: Thank you.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 649, an act relative to workers' compensation insurance disclosure. Insurance Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 669-FN-LOCAL, an act relative to creditable service under the retirement system for time during which a person is receiving workers' compensation. Insurance Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 717, an act relative to false residency forms and automobile insurance. Insurance Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5038B

Amendment to SB 717

Amend the title of the bill by replacing it with the following:

AN ACT

relative to residency forms and automobile insurance.

Amend the bill by deleting section 1 and renumbering sections 2-4 to read as 1-3, respectively.

AMENDED ANALYSIS

The bill clarifies the criteria to be considered by the insurance commissioner in defining the term "residency" for the purposes of automobile insurance.

SENATOR HOLLINGWORTH: The committee moves ought to pass with amendment on SB 717. This will give the Insurance Commission the ability to make rules concerning the definition of 'terms of residents.' It also cleans up language concerning the mandatory statement of a resident's form. Both provisions are requested by the Insurance Department. The amendment removes section I, from the bill. That section would have limited the recovery of an injured individual who was involved in an accident with a person who had falsified and attested to his residence in New Hampshire. The committee moves ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 722, an act relative to petitions for declaratory judgments to determine insurance coverage. Insurance Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 731-FN, an act relative to mandatory automobile insurance. Insurance Committee. Inexpedient to legislate. Senator Russman for the committee.

SUBSTITUTE MOTION

Senator W. King moved to **substitute interim study for inexpedient to legislate.**

SENATOR LAMIRANDE: Mr. President and members of the Senate, this issue certainly isn't new to this body, it has been around for a few years. If nothing else, it proves the system stinks. Assuming that there is no drastic change in safety statistics, almost half of all drivers will be involved in one or more automobile accidents within the next four years. Three-fourths of those who drive will have an accident within the next seven years. All but one in 100 will have at least one within the next 20 years. Fortunately, most of those accidents will be trivial. But once an accident is set in motion, luck has a lot more to do with it with its severity than fault. Studies have shown that with each passing year, more and more motorists are uninsured. Testimony given on January 14, 1993 commented that in

1992 there were 57,614 accidents of which 25,000 were uninsured motorists and 31,000 were insured. That would prove that 43 percent were uninsured. Under the assumption that those figures are correct, it would certainly show that there is definitely a need for concern, at least where the number of uninsured motorists involved in accidents are concerned. Then we have the insurance companies, their input, opposing any type of insurance reform. And they have billions of reasons to keep you from thinking about possible solutions to the problem. Namely, the billions of dollars that go into their pockets that could stay in ours. The truth is, we need an efficient auto insurance system. In the long run, we cannot prosper in the world economy by busily suing each other over claims. Under the current system, many people with perfect driving records, nonetheless, pay high premiums. Right now, a large portion of an insurance's profit depends on how skillfully it can distinguish a good risk from the bad. Either shunning the bad risk altogether or charging them an appropriately high rate. For society as a whole, because we want everyone to carry auto insurance, it's a total waste of effort. What about those too poor to afford insurance? Today the poor have a simple strategy, they drive uninsured. This is a reasonable, perhaps even a required economic choice for the poor. Why should he or she buy liability insurance to protect their assets when they have no assets to protect? Yet it is reasonable to believe that many uninsured motorists wish to be law abiding citizens and to have coverage, they just cannot afford it. It is naive to think that change is easy, but cynical and ultimately wrong, to think change is impossible. And there are a couple of ways to phase it in. Our auto insurance system stinks and everyone knows it. It costs too much, and it is inefficient. The whole idea is to see if an alternative solution is feasible or even possible. As with everything else, you never know until you try. What this bill is proposing, an amendment to the bill, is to have a study committee, to see if there is an alternative way, some other way for automobile insurance coverage, for all. It is in all of our best interest to go forward with this and act on it through legislation in the 1995 session. That is neither repetitive nor impossible. I urge your support on the bill to interim study.

SENATOR BLAISDELL: Senator Lamirande, I want to know the make-up of the committee, because in the last years that I have been here, I have sat on a few of these, and every group that you put in, a large group comes in and you breakup into facts. Is it going to be just legislators that are going to be studying this or are you going to open it up to everybody?

SENATOR LAMIRANDE: No, this is opened to everyone. I believe that the amendment is basically based on a study that was done before, and it does address the people who are involved in it.

SENATOR BARNES: Senator, with your talk a couple of minutes ago here, you seem to be in favor of this, and I am a little surprised that you aren't in favor of a motion of ought to pass. Could you explain to us why, instead of ought to pass, that this should be interim study?

SENATOR LAMIRANDE: I think that there needs to be more individuals to sit down and look at exactly what Senator Blaisdell's question was relating to. That who should be involved in an interim study. There is no question in my mind that the way that we have it right now, it's not working. Not if you have 43 percent of the people who are involved in accidents, uninsured.

Recess.

Out of recess.

SENATOR RUSSMAN: You know we talk about . . . well the words were said, "a total waste of time." Well, here in interim study this would be a waste of time. We have talked about other studies that are to be done on this. And if you like the bill, then you ought to have mandatory insurance in New Hampshire. That is really where that ought to go, for whatever reason that the committee voted inexpedient to legislate, okay? And I am supporting the committee amendment, but versus interim study, I vote to pass the bill. I mean, it's ridiculous. Think of this: the feasibility of automobile insurance reform in New Hampshire. Now talk about open-ended, broad-spectrum! Now I don't know who is going to be on this committee to study it for the Senate, I know one that will certainly, I hope, be on it. But, I can't imagine that we are going to go and study automobile insurance reform. There are volumes, and volumes, and volumes, written on that; and certainly the issue really boils down to, should we have mandatory automobile insurance in New Hampshire or shouldn't we? And if we ought to, then we ought to vote against the committee recommendation of inexpedient to legislate. We ought to just vote the thing through, ought to pass and have mandatory automobile in New Hampshire, that way everybody will have it and it will solve a lot of problems in this state, and it will actually increase the revenues by some \$350,000 if we were actually to pass this on ought to pass motion and make automobile insurance in New Hampshire mandatory. So if you support the concept of mandatory automobile insurance, you ought to vote against Senator King's recommendation, and you ought to vote against the committee's recommendation, and somebody will have to move ought to pass, and we should then vote it through and then perhaps Senator Barnes will be kind enough to do that. But certainly to study this in an open fashion without focus, and it is without focus, it's just automobile reform. That really would represent, I think, a monumental task and I don't think that this committee has to do it. Certainly the other committees that have studied this over the years, have all come down to the same conclusion, we ought to have mandatory automobile insurance coverage in New Hampshire. I am sure that all of us here have it. And I am sure that other motorists that don't have it that are running into other people, wished that they had it, because as you know they lose their license until they show proof of financial responsibility, and it would solve a lot of problems both to the consumers out there in the long run and for the state of New Hampshire as a whole. So, I hope that you vote against Senator King's recommendation, and vote against the committee's recommendation, and that somebody move ought to pass, and let's make the bill mandatory.

SENATOR CURRIER: Senator Russman, isn't it true that interim study in the second year, in the biennium is actually, virtually, doing inexpedient to legislate because it doesn't really necessitate a full-blown study?

SENATOR RUSSMAN: Well it is kind of a nice way of saying, 'no thank you.' But the reality of it is, I mean, I just can't imagine that we can't just vote on this matter, up or down. If the will of the body is to vote it to interim study, for whatever reason, then so be it. I certainly appreciate that. But in terms of taking our time and taking the taxpayers' time to study these things, I am not so sure that this would be so worthwhile to do.

The question is on the substitute motion of interim study.

A division vote requested.

Manifestly affirmative.

Substitute motion of interim study is adopted.

SB 739-FN, an act relative to the retirement group classification of investigators in the department of justice and relative to the powers of such investigators. Insurance Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 744-FN, an act to extend medical and surgical benefits to the disabled children of retirees. Insurance Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 774-FN, an act to increase the medicaid coverage for all children up to 18 years of age. Insurance Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 775-FN, an act providing medicaid coverage for adults 18 to 64 years of age. Insurance Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 787-FN-A, an act relative to dental coverage for adults under the Medicaid program and making an appropriation therefor. Insurance Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 167, an act clarifying circumstances under which a person is justified in using deadly force. Judiciary Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: Mr. President and members of the Senate, HB 167 is a re-referred bill. In 1981 the legislature amended RSA 627:4, recognizing that a person has the right to feel safe and secure in their home. The legislature realized the problems involved and made use of the deadly force justifiable under certain, specific circumstances. This defense is made available to someone who is a victim of a felony in his or her home, but not if someone is stealing their car. It is not a license to kill, but a justification for self defense. Although the proposed bill affects many people, it has

particularly dangerous implementations for battered women. Battered women who are attacked by a spouse or a partner during the commission of a felony against them and who respond with a deadly force would be completely barred from claiming that they acted in self defense. They would be deprived of a defense in the criminal code that is currently available to them. The committee recommends inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 517, an act making it a crime to obstruct the reporting of a crime or a bodily injury. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: Mr. President and members of the Senate, SB 517 makes it a crime to obstruct the reporting of a crime or bodily injury. This bill was one of several recommendations which came from the Task Force on Domestic Violence. Under the bill, the perpetrator of an assault on an individual can be further charged with obstruction, if he or she prevents the victim of assault from seeking aid or reporting the assault. In many domestic violence situations, a woman who has been assaulted by her husband or boy friend, may try to telephone the police or a friend to get help and the husband or boy friend prevents them from using the telephone, either by physical restraint of the individual or by disconnecting or damaging the telephone. This bill makes the section of preventing and seeking help, a misdemeanor. At the least, a Class B felony, if the assault was of a felonious manner. The committee recommends ought to pass.

Adopted.

Ordered to third reading.

SB 620-LOCAL, an act standardizing the form used for abatement applications to municipalities. Public Affairs Committee. Ought to pass with amendment. Senator J. King for the committee.

4832B

Amendment to SB 620-LOCAL

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; Standard Form for Abatement Application Established. Amend RSA 76:16 by inserting after paragraph II the following new paragraphs:

III. The abatement application form shall be prescribed by the board of tax and land appeals. The form shall include the following and such other information deemed necessary by the board:

(a) Instructions on completing and filing the form, including an explanation of the grounds for requesting an abatement for good cause and including the filing deadlines.

(b) Sections for information concerning the person applying, the property for which the abatement is sought and other properties in the municipality owned by the person applying.

(c) A section concerning compliance with the RSA 74 inventory requirement.

(d) A section requiring the person applying to state with specificity the reasons supporting the abatement request with an explanation of what specificity means.

(e) A section for the person applying to list any comparable properties supporting the abatement request.

(f) A place for the applying person's signature with a certification by the person applying that the application has a good faith basis and the facts in the application are true.

(g) A section for the municipality to state and sign its decision.

IV. Failure to use the form prescribed in paragraph III shall not affect the right to seek an abatement.

AMENDED ANALYSIS

This bill establishes a standard form for abatement applications to municipalities, which shall be prescribed by the board of tax and land appeals.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 623, an act relative to the protection of freedom of speech on college campuses. Public Affairs Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

5036B

Amendment to SB 623

Amend the bill by replacing section 1 with the following:

1 New Section; Exercise of Freedom of Speech and Press. Amend RSA 188-D by inserting after section 8-a the following new section:

188-D:8-b Exercise of Freedom of Speech and Press.

I. The governing body of any public postsecondary institution shall not make or enforce any rule which subjects any student, professor, teacher, administrator or other employee to disciplinary sanctions solely on the basis of speech or conduct which is considered to be speech that, when engaged in outside of a campus of such institution is protected from governmental restriction by the First Amendment to the United States Constitution or by part 1, article 22 of the constitution of New Hampshire.

II. The provisions of this section shall not:

(a) Prohibit the imposition of discipline for harassment, threats, intimidation or other criminal conduct that would not be constitutionally protected.

(b) Prevent an institution from placing reasonable time, place and manner restrictions on the exercise of free speech rights.

III. Any person aggrieved by a violation of this section may commence a civil action to obtain injunctive or declaratory relief, and damages. A court may award attorney's fee to a prevailing plaintiff in a civil action pursuant to this section.

AMENDED ANALYSIS

This bill prohibits the governing body of any public postsecondary institution from making any rule which subjects any student, professor or administrator to disciplinary action solely on the basis of conduct that is speech or other communication that is protected from governmental restriction by the United States and New Hampshire Constitutions.

SENATOR LOVEJOY: As many of you know, "political correctness" is sweeping the nation. At college campuses, which are supposed to be bastions of free speech — students, professors, and staff are being disciplined and expelled — simply because they are exercising what they thought were their constitutional rights to express their views. Senate Bill 623 is designed to guarantee these rights in public institutions in New Hampshire. Passing this legislation will send a message that the open exchange of ideas and

viewpoints is encouraged — not condemned — at our post-secondary institutions, no matter what is politically fashionable. The amendment adopted by the committee excludes private institutions from the legislation.

Amendment adopted.

Senator Russman moved to have **SB 623**, an act relative to the protection of freedom of speech on college campuses, laid on the table.

Question is on the motion to table.

A roll call was requested by Senator Wheeler.

Seconded by Senator Lovejoy.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Hough, Disnard, Blaisdell, Baldizar, McLane, Russman, Shaheen, Hollingworth.

The following Senators voted No: Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, J. King, Bourque, Delahunty, Cohen.

Senator Pignatelli (Rule #42).

Yeas: 12 - Nays: 11

Motion to table is adopted.

LAI D ON THE TABLE

SB 623, an act relative to the protection of freedom of speech on college campuses.

SB 662, an act to limit electioneering at polling places. Public Affairs Committee. Inexpedient to legislate. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 691, an act relative to the use of surplus campaign funds by candidates for state office. Public Affairs Committee. Inexpedient to legislate. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 706, an act allowing school districts to use the official ballot for issues before the voters. Public Affairs Committee. Inexpedient to legislate. Senator Roberge for the committee.

SENATOR ROBERGE: As many of you know, a companion bill was introduced in the House, HB 497, and was recently sent to study after lengthy debate. The Senate sponsors of the bill believe that the House Municipal and County Government committee will take HB 497 and design a bill that will produce a vehicle that accomplishes what this legislation was designed to do.

Committee report of inexpedient to legislate is adopted.

SB 510, an act eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops. Public Institutions, Health and Human Services Committee. Ought to pass. Senator Baldizar for the committee.

Adopted.

Ordered to third reading.

SB 514, an act prohibiting health care providers from making referrals to any entity in which they have an ownership interest or for which remuneration or compensation may be received. Public Institutions, Health and Human Services Committee. Interim study. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

SB 531, an act relative to lead testing for potential child tenants. Public Institutions, Health and Human Services Committee. Inexpedient to legislate. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 545-FN, an act relative to the salary of the executive director of the pharmacy board. Public Institutions, Health and Human Services Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

Senator Disnard in opposition to SB 545.

SB 593-FN, an act relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator J. King for the committee.

5043B

Amendment to SB 593-FN

Amend the bill by replacing section 10 with the following:

10 Reference Added. Amend RSA 318:42, X to read as follows:

X. The possession, for emergency use only, by advanced medical care providers licensed under RSA 151-B of such noncontrolled prescription drugs as are agreed upon jointly by the state board of registration in medicine and the pharmacy board. The advanced emergency medical care providers may only administer such prescription drugs upon receipt, either directly or by telephone or by radio or by other communication medium, of directions from their supervising physician *or an emergency/trauma advanced registered nurse practitioner*.

Amend RSA 318-B:10, V as inserted by section 23 of the bill by replacing it with the following:

V. A paramedic who has been approved and certified by the board of registration in medicine as an advanced emergency medical care provider may possess, for emergency use only, such prescription drugs as are agreed upon jointly by the state board of registration in medicine and the pharmacy board. The paramedic may administer such prescription drugs upon receipt directly or by telephone or by radio or by other communication medium of directions to do so from the supervising physician *or advanced registered nurse practitioner*.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

Senator Roberge in opposition to SB 593.

SB 599-FN, an act establishing a board of licensing for ophthalmic dispensing and opticianry, and relative to the board's fees. Public Institutions, Health and Human Services Committee. Inexpedient to legislate. Senator Wheeler for the committee.

SENATOR WHEELER: The committee found this bill inexpedient to legislate for several reasons. The current law, chapter 327-a is now serving the public's best interest. No change in the current law has been requested by the consumers in New Hampshire. No change has been requested by the Division of Public Health or by the Board of Registration in Medicine, or by the Attorney General's Office. Twenty Nine states do not license opticians and no state has licensed them in the past 13 years. New Hampshire has rejected legislation twice in the last four years; hopefully, today will mark the third time. Most importantly, this bill is unnecessary regulation in a business that is currently serving the public's needs, and where the current law is more than adequate.

SUBSTITUTE MOTION

Senator Hollingworth moved to **substitute ought to pass for inexpedient to legislate**.

SENATOR HOLLINGWORTH: I would like to offer the substitute motion of ought to pass and at the proper time, offer a floor amendment, that I think, is a compromise that will satisfy the concerns of all who have interest in this piece of legislation.

Recess.

Out of recess.

SENATOR HOLLINGWORTH: Unfortunately, at this time, I cannot speak to the amendment because the Senate Rules do not allow that. We can't speak to an amendment that is not yet before the body. We must first act on the pending motion. But, I would ask you to trust that the amendment that I will offer, will be one that you will all recognize as one that is a compromise, and I would ask you to extend the courtesy of allowing this to pass so that I could have the chance to put the floor amendment in front of you to look over. Thank you.

SENATOR WHEELER: Senator Hollingworth, a compromised amendment was indeed presented to the Health and Human Services Committee and was also turned down, is that correct?

SENATOR HOLLINGWORTH: I am not sure that that is the same one. This one here that I have, I am going from the testimony that I have from the committee, that said that the Optometrists Society said that they support the legislation, except for the section regarding the contact lenses fitting and patients' care. That was by the president of the Optometrists Society and also from the vice president of the Optometrists Society. He also said that he has no objections to licensing. What the amendment would do is to just do the licensing and to remove the contact lens portion.

SENATOR WHEELER: But that amendment was turned down by the committee?

SENATOR HOLLINGWORTH: Not to my knowledge, I am not aware of that.

SENATOR WHEELER: It was.

SENATOR SHAHEEN: Senator Wheeler, can you tell me if the Medical Society took a position on this bill?

SENATOR WHEELER: I don't have my notes with me. I don't remember hearing from them, but I do know that the Division of Public Health was not there and did not ask for the bill, and doesn't want the bill.

SENATOR SHAHEEN: Is there anyone else on your committee who could enlighten us, relative to the position of the Medical Society? It's my understanding that, in fact, the Medical Society does support this.

SENATOR WHEELER: The people who did support the bill, it was mildly supported, and in the light of compromise, but, they really did not care for the bill at all. There was no one really pushing for the bill. The testimony clearly indicated that there was not a problem in New Hampshire currently. There really was not a strong push for this legislation. And that is why the committee voted not to adopt any compromise and not to adopt the bill.

SENATOR SHAHEEN: Can you tell me what the vote in the committee was?

SENATOR WHEELER: I believe the vote was three to two. I might add that this is one of the rare occasions where Senator McLane and I were on the same side of an issue.

SENATOR HOLLINGWORTH: Senator Wheeler, you know, I am a little amazed to hear you say that because I do know that the in-state businesses and citizens were in support of the legislation. The people that seemed to be opposed to the legislation, were the people such as LensCrafters and those large businesses that are out-of-state, but operate in the state. I have the testimony here, and it clearly indicates that New Hampshire Opticians Society supported the bill, the New Hampshire Medical Society supported the bill and the New Hampshire Optometrists, current president and past president, testified that they had no problem with licensing of eye glasses, but they did not want to include contact lenses.

SENATOR WHEELER: Well last time that I checked, LensCrafters and Montgomery Wards were all in-state businesses, and the only person that we had supporting the bill in the minutes is the New Hampshire Optician's Society; and it is the very people who want to be licensed. And we decided that there was no need for this legislation.

Senator Disnard moved to have **SB 599-FN**, an act establishing a board of licensing for ophthalmic dispensing and opticianry, and relative to the board's fees, laid on the table.

Question is on the tabling motion.

Division vote requested.

Yeas: 10 - Nays: 13

The motion to table fails.

Question is on the substitute motion of ought to pass.

SENATOR LAMIRANDE: I am sure that you all know that my district is district one. District one happens to be the furthest away from most of the places that are handy to all of you, Senators. We have very little in the way of professional people, as far as eye care in our area; therefore, we have to travel a great distance. And by that, I mean everyone in our area. When we do travel that great distance, I am sure that we would all like to know that our eyes are being taken care of properly. It is not uncommon for us to have the wrong prescription filled and to walk around trying to see out of a prescription that was filled incorrectly, and this has happened in the past. I urge your support of this bill as ought to pass, because we definitely need it, thank you.

SENATOR PIGNATELLI: Senator Hollingworth, I need to know what the bill says in terms of contact lenses, because that will determine how I vote on this next vote. So, can you explain that to me?

SENATOR HOLLINGWORTH: Yes. Senator Pignatelli, the amendment would remove anything for contact lenses out of the bill.

SENATOR BARNES: I have all the respect in the world for every Senator in this chamber; however, when it comes to voting for something that I don't have in front of me, I don't understand how I can do that. Until I have that amendment, I cannot make a logical vote. I respect you, Senator Hollingworth, but I have to see that amendment. I have seen amendments come in here, in the past, that haven't been correct. And then all of a sudden it is claimed, "oh, there is a mistake," and then we have to go ahead and play with it again. I don't see how anyone in here can vote for this bill, voting on something that they don't have in front of them.

SENATOR SHAHEEN: Senator Hollingworth, isn't it true that it would be possible to vote for the ought to pass motion and that if we didn't like the floor amendment that we could vote against the amendment and we could vote against the passage of the bill?

SENATOR HOLLINGWORTH: That is exactly true, Senator.

SENATOR FRASER: Why can't we get the floor amendment, I guess I missed something?

SENATOR HOUGH (In the Chair): Senator Fraser, in answer to your question, I have been advised by the Clerk, that the only thing that we have before us at this time, is a motion of a higher order then the committee report of inexpedient to legislate. The body has to dispose of that motion of ought to pass before we can take any further action. We are not in the position to have a floor amendment offered yet. Until we put the bill on second reading and to get it on second reading, we have to make a determination as to the substitute motion of ought to pass.

Recess.

Out of recess.

SENATOR HOLLINGWORTH: I would first like to thank this body for being so patient. This is unfortunate, this strain that we are working under. This amendment was prepared and sitting here and unfortunately, I wasn't able to give it to the body until recess, which seems a little strange. But that being the case, I do apologize. I would like to state that if you would vote for the substitute motion of ought to pass, if the amendment should fail, then I would support an inexpedient to legislate motion as well. I want it clear that this is not the final note. This gives you the opportunity to see the amendment and for us to have debate on the amendment, and then to have a further motion and vote on whether the bill as amended should pass. I would ask that you would bear with me just a tiny bit longer so that we could get to that motion.

SENATOR PODLES: Senator Hollingworth, would you please tell us what is being added or what is being deleted from this amendment? It is a very long amendment.

SENATOR HOLLINGWORTH: I am sorry, apparently I can't answer that question as of yet. We are not at that stage as of yet. I haven't even offered the floor amendment yet. We cannot discuss it because it is not in front of us yet. We need to deal with the pending motion first.

SENATOR RUSSMAN: Senator Hollingworth, what in this bill as it now stands would we like better if it were removed? Could you tell us about that?

SENATOR HOLLINGWORTH: Very good. I think that you would like the bill much better if the part dealing with contact lenses was removed from the bill.

Question is on the substitute motion of ought to pass.

Division vote requested.

Yeas: 13 - Nays: 10

The motion of ought to pass is adopted.

Senator Hollingworth offered a floor amendment.

5059B

Floor Amendment to SB 599-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a board of ophthalmic dispensing,
and relative to the board's fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Revised; Ophthalmic Dispensing and Opticianry. RSA 327-A is repealed and reenacted to read as follows:

CHAPTER 327-A

OPHTHALMIC DISPENSING

327-A:1 Definitions. In this chapter:

I. "Fitting contact lenses" means measurement of the shape of the eye, as well as determining the lens specifications, including base curve, size, shape, thickness, color, and material composition.

II. "License" means the authority granted to a named person upon application filed in accordance with this chapter to engage in the practice of ophthalmic dispensing as defined in paragraph III.

III. "Ophthalmic dispensing" means the design, verification, and delivery to the intended wearer of lenses, frames, and other specially fabricated optical devices upon prescription. It includes, but is not limited to, prescription analysis and interpretation; the taking of measurements to determine the size, shape, and specifications of the spectacle lenses, frames, or lens forms best suited to the wearer's needs; the preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear; the verification of the quality of finished ophthalmic products, the adjustment of lenses or frames to the intended wearer's face; the delivery of such ophthalmic products including instruction in hygiene and insertion and removal of contact lenses; and the adjustment, replacement, and reproduction of previously prepared ophthalmic lenses, frames, contact lenses, or other specially fabricated ophthalmic devices. It does not include the alteration without permission of the prescriber of any prescriptions, nor does it include the fitting of contact lenses which may only be performed by ophthalmologists or optometrists pursuant to law regulating such practices, unless the ophthalmic dispenser is in possession of a statement of delegation authorizing the fitting of contact lenses.

IV. "Prescription for contact lenses" means a dated and signed, written or oral direction not more than 6 months old for daily wear or extended wear contact lenses from an ophthalmologist or optometrist which includes the power, size, shape, thickness, curvature, color, and material composition. The oral prescription must be recorded and kept on file for one year by the ophthalmic dispenser.

V. "Prescription for spectacle lenses" means a dated and signed, written or oral direction not more than 24 months old from an ophthalmologist or optometrist for therapeutic or corrective lenses which states the prescribed refractive power and, when necessary, the vertex distance, cylinder axis, and prism. The oral prescription shall be recorded and kept on file for one year by the ophthalmic dispenser.

VI. "Registration" means the registration of contact lens dispensers and apprentices in accordance with RSA 327-A:8 and RSA 327-A:13.

VII. "Statement of delegation" means a written, signed statement from the prescribing ophthalmologist or optometrist which authorizes a named ophthalmic dispenser to fit the prescription for contact lenses. The statement shall be written on the prescription for contact lenses or shall be a letter which shall be attached to the prescription for contact lenses.

VIII. "Supervision" means the direction to control through personal inspection and evaluation of work and such consultation and instruction as may be needed.

327-A:2 Board; Duties: Rulemaking.

I. There is established the board of ophthalmic dispensing, which shall consist of 4 licensed ophthalmic dispensers and one public member, appointed by the governor with the consent of the council.

II. This chapter shall be administered by the board which shall adopt rules under RSA 541-A, relative to:

(a) Form, content, and processing of applications for licenses and registrations.

(b) Establishment and collection of fees.

(c) The scheduling of and supervision of qualifying examinations.

(d) Issuance of registrations of apprentices.

(e) Revocation or suspension of licenses and registrations.

(f) Maintenance of such records as may be needed to carry out the board's responsibilities under this chapter.

III. Appointments shall be for 3-year terms, but no person shall be appointed to serve for more than 2 consecutive terms.

IV. Members of the board shall receive \$15 per day for each day actually engaged in discharging their duties and shall be entitled to reasonable travel and other expenses incurred in the execution of their duties.

327-A:3 Board Administratively Attached. The board shall be administratively attached, pursuant to RSA 21-G:10, to the department of health and human services.

327-A:4 Persons and Practices Not Affected. Nothing in this chapter shall apply to:

I. Licensed physicians and surgeons authorized to practice medicine or surgery and licensed optometrists authorized to practice optometry under the laws of this state.

II. The activities of any employee of an ophthalmic dispenser not engaged in the dispensing of eyeglasses or contact lenses including, but not limited to, the sale of related products, laboratory technicians and the making of minor mechanical repairs upon eyeglasses or frames.

327-A:5 Prohibited Practices. No person shall fill a prescription for spectacle lenses which is more than 24 months old or a prescription for contact lens replacement which is more than 12 months old.

327-A:6 Ophthalmic Dispensing License Required. Except as provided in RSA 327-A:4, no person shall engage in ophthalmic dispensing or hold oneself out as an optician or as being able to engage in ophthalmic dispensing services in this state, unless such person is licensed in accordance with the provisions of this chapter.

327-A:7 Educational Requirements for Dispensing Spectacle Lenses. Educational requirements for ophthalmic dispensers for spectacle lenses shall include:

I. A high school diploma or GED, and an associates degree in opticianry from a school certified by the United States Department of Education; or

II. 4,000 hours of on-the-job training, and passage of the examination given by the American Board of Opticianry.

327-A:8 Registration of Contact Lens Dispensers.

I. Except as provided in RSA 327-A:4, no person shall engage in the practice of dispensing contact lenses unless such person is registered in accordance with this chapter and such registration is current and valid, and no person shall engage in the fitting of contact lenses unless such person has a statement of delegation from an ophthalmologist or optometrist.

II. An application for a certificate of registration for contact lens dispensing under this chapter shall be filed with the board in such form and detail as the board shall require in accordance with rules adopted under RSA 541-A, shall be duly signed and verified, shall be available for public inspection, and shall include, but not be limited to:

(a) The name and the business address of the applicant; if an individual, the name under which he intends to conduct business; if a partnership, the name and business address of each member thereof, and the name under which the business is to be conducted; if a corporation, the name of the corporation and the name and business address of each of the officers of the corporation.

(b) The place or places, including the complete address or addresses, where the business is to be conducted.

327-A:9 Reciprocity. The board may issue an ophthalmic dispensing license to an applicant licensed in a state which has license, registration, or certification requirements that are equal to or greater than the requirements of licensure under this chapter.

327-A:10 Renewal of Licenses and Registrations.

I. Licenses and registrations under this chapter shall be subject to renewal every 3 years and shall expire unless the licensee or registrant submits an application for renewal in the manner prescribed by the board.

II. Ophthalmic dispensing licenses shall only be renewed upon the applicant providing evidence that, during the 3-year period, the applicant has completed continuing education requirements of the American Board of Opticianry.

327-A:11 Exemptions from Ophthalmic Dispensing Licensure Requirements. The board may, upon written application, waive the examination requirements and grant a dispensing license to any applicant who has been engaged in this state or any other state in ophthalmic dispensing as defined in RSA 327-A:1, III for a period of not less than 2 years prior to the effective date of this chapter.

327-A:12 Denial, Suspension, or Revocation of License or Registration. The board may summarily deny a license or registration to, or suspend or revoke the license or registration of, a person who fails to meet the criteria for licensure or registration established in RSA 327-A:7 or RSA 327-A:8.

327-A:13 Registered Apprentices and Other Ancillary Personnel.

I. Persons licensed under this chapter may utilize apprentices to engage in ophthalmic dispensing as defined in RSA 327-A:1, III under their direct supervision and at the same location where the licensed person dispenses, except that no licensed ophthalmic dispenser shall supervise more than 3 apprentices. Apprentices employed under this section shall be registered with the board by the employing licensee.

II. Persons licensed under this chapter may employ other ancillary personnel to assist in fashion counseling, to perform clerical and office duties, and to assist in making minor repairs. Such personnel need not be registered as apprentices.

327-A:14 Fees.

I. The board shall adopt rules under RSA 541-A to establish fees and shall publish the fees for:

- (a) Application for examination for licensure.
- (b) Initial license and registration fee.
- (c) Renewal of license and registration fee.
- (d) Apprentice registration fee.

II. The fees shall be an amount sufficient to cover the costs of administering this chapter.

327-A:15 Limitation of Authority. In the administration of this chapter, the board shall have no authority to adopt rules governing the employment of opticians, the location of optical stores, advertising of optical products or services, or the manner in which such products may be displayed.

327-A:16 Enforcement. The provisions of this chapter shall be enforced by the attorney general, department of justice.

327-A:17 Severability. If any provision of this chapter or the application of this chapter to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 Initial Appointments. Within 60 days of the effective date of this act the governor and council shall appoint the members of the board of ophthalmic dispensing, provided that the 4 ophthalmic dispensers shall be persons who have practiced ophthalmic dispensing in this state for at least 2 years. One member of the board shall be appointed to a one-year term, 2 members to 2-year terms, and 2 members to 3-year terms.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a board of ophthalmic dispensing; provides for licensing procedures, requirements, and examination for ophthalmic dispensers; provides for registration of contact lens dispensers; and authorizes the board to determine and collect certain fees. These provisions shall be enforced by the attorney general.

This regulatory scheme replaces current law which requires that ophthalmic dispensers be registered with the division of public health services, department of health and human services. The advisory council to the director of the division is also deleted.

SENATOR HOLLINGWORTH: The original bill set up licensing procedures for both dispensing of spectacles and contact lenses; however, the floor amendment sets up a five member board provided for licensing procedures and requirements and examinations of requirements and examination for ophthalmic dispensing dealing with eye glasses only. This amendment, leaves a 1988 law in place, dealing with contact lenses. So in the amendment, anything that you see under contact lenses, is current law. This amendment is supported by the New Hampshire Optician's Association and the New Hampshire Medical Association. And during the hearing on this bill, as I stated before, the Optometrists, the current president and the past president, supported this legislation. I read to you the statements that they made in committee. What they were opposed to was contact lenses and not the licensing for eye glasses. As I said before, the amendment leaves a 1988 law in place for contact lenses which includes a letter of delegation for contact lenses; in other words, someone can send a delegation that you are to do the contact lenses, that is current law. Critics of this bill say that it is not necessary and the present law which registers ophthalmic dispensing is adequate to protect the public. Under the 1989 law, anyone who wants to call himself or herself, an optician, can pay the registration fee of \$100 and set up a business, that is all that it required of them. The public be-

comes a loser as registration does not require any type of training or education in the field of ophthalmic dispensing. The Board stated at the hearing, that they had testimony, complaints, about the dispensing of eyeglasses. Members of the current Advisory Board testified, as I said, that there were complaints. The major opponents to this bill are the large chains. And although they are, I am not saying that they aren't New Hampshire businesses, but they are the large chains which it really does not cause any burden on them. It would only require them to have someone who is licensed on site. The New Hampshire Optician's Society supports this bill as they believe that it is a goal to better protect the consumers of our state. I believe that this bill is a compromise, and I urge my fellow Senators to vote for this floor amendment. Thank you.

SENATOR FRASER: Senator, I am getting mixed reviews over here. There seems to be some confusion as to whether or not the New Hampshire Medical Society did in fact endorse this bill? I think I heard you say that they had?

SENATOR HOLLINGWORTH: That was my understanding, Senator Fraser.

SENATOR MCLANE: Senator Hollingworth, do you think that it would be possible to read the letter from the Medical Society so that we could have it in the record whether they did support this bill or not?

SENATOR HOLLINGWORTH: Well, I unfortunately, have misplaced my file that I have on this. I did have a letter in it that was addressed to Palmer Jones and his comments on it, but I do have a letter here that was addressed to Senator Currier. It states, "The Medical Society and the optometrists have discussed in great detail SB 599. We support the amended version which creates a license board. I will be available for questions," and it is signed Palmer Jones.

Division vote requested.

Yeas: 13 - Nays: 10

Floor amendment adopted.

Ordered to third reading.

SB 604-FN, an act relative to the Medicaid look-back provisions for applicants for public or medical assistance. Public Institutions, Health and Human Services Committee. Ought to pass. Senator Wheeler for the committee.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 628-FN, an act relative to regulation of youth camps. Public Institutions, Health and Human Services Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 650-FN-A, an act establishing a lead base substance abatement fund and making an appropriation therefor. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator McLane for the committee.

5045B

Amendment to SB 650-FN-A

Amend RSA 204-C:92 as inserted by section 2 of the bill by replacing it with the following:

204-C:92 Administration Costs and Investment of Funds. Moneys deposited in the fund may be invested by the authority, provided, however, that sufficient funds are available for grant applications for emergency assistance and the routine flow of regular applications. Income earned from such investments shall be returned to the fund, provided, however, that the authority may use up to 10 percent of any such investment income to defray costs of administering this subdivision. The authority may also use up to 5 percent of any appropriation to defray costs of administering this subdivision.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 652-FN-A, an act making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families. Public Institutions, Health and Human Services Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 680, an act revising the mandatory reporting provisions in child protection cases. Public Institutions, Health and Human Services Committee. Inexpedient to legislate. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 694-LOCAL, an act exempting church-operated child day care facilities from state licensing requirements. Public Institutions, Health and Human Services Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 709-FN, an act relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan. Public Institutions, Health and Human Services Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

RECONSIDERATION

Senator Blaisdell moved reconsideration on **SB 628-FN**, an act relative to regulation of youth camps whereby we ordered it to third reading.

Adopted.

SB 628-FN, an act relative to regulation of youth camps.

Referred to the Division on Finance (Rule #24).

SB 713, an act providing that, under the child protection act, failure to comply with the provisions relative to filing reports, evaluations, and other records shall be grounds for dismissal of the petition. Public Institutions, Health and Human Services Committee. Inexpedient to legislate. Senator McLane for the committee.

SENATOR MCLANE: There was very strong testimony in the committee by everyone, including the Civil Liberties Association and DCYF, Bruce Friedman and Sabra Ann Welch. No one was against what they thought was the intent of the bill, which was to make sure that the process worked correctly and hurried up. But everyone accepted the reality that although the goal was all right, the method was throwing the baby out with the bath water. If for some technical reason, or some human reason, an order was not presented in court, then perhaps a child in a safe foster home would be sent back to unsafe parents and no one wanted this. We had to have some trust in the process, and it was hoped that although child protection laws would be followed, and that the courts would be up to snuff if they weren't, we certainly were not going to throw away the whole process.

SENATOR WHEELER: The Division is regularly out of compliance, and they are not following the law in this area; filing reports and evaluations are supposed to go to all parties, five days before the hearing. The defense in many, many cases, does not have the information that they need to prepare the defense, and they don't get it until they get on the court room steps on many occasions. I just wanted you to be familiar with that.

Recess.

Senator Blaisdell in the Chair.

SENATOR J. KING: I would like to make a few comments. What this actually does is that if someone is in there for a hearing and somebody doesn't have a report or an investigation ready, whether it be DCYF or whether it is a lawyer or it could be anybody, that thing is thrown out. You all know as well as I do, that there are times, whatever the reason might be, when circumstances are as such that you can't do two things at times. But to take the matter and to dismiss it is wrong. Work on the other end of it and try to get staff and error or whatever the weak point, and work, and correct. That and carry on with the case as it should be.

Committee report of inexpedient to legislate is adopted.

SB 748-FN, an act creating interagency family assistance teams for at-risk youths. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator McLane for the committee.

5047B

Amendment to SB 748-FN

Amend RSA 126-I:4, III as inserted by section 1 of the bill by replacing it with the following:

III. Invite parents to all team meetings regarding their family and otherwise involve family members in the development and implementation of their family assistance plans.

Amend RSA 126-I:8 as inserted by section 1 of the bill by replacing it with the following:

126-I:8 State Interagency Committee; Members; Duties. The commissioner shall establish a state interagency committee to provide oversight and advice regarding the activities of interagency family assistance teams established pursuant to this chapter. The committee shall have such representation as the commissioner determines necessary and the representatives may include, but shall not be limited to, the directors of: the division for children and youth services, the division of public health services, the division of human services, the division of mental health and developmental services, and the office of alcohol and drug abuse prevention, or their respective designees; the commissioner of the department of education, or designee; and representatives of judicial, family and child advocacy, private nonprofit children's services interests; and parents of children who have received services from an agency listed in RSA 126-I:7, I. The members shall serve at the pleasure of the commissioner. The committee shall monitor and make recommendations concerning the operations of the interagency family assistance teams and shall review, evaluate, and make recommendations regarding service needs, resource deficiencies, and changes in service systems as reported by the teams.

SENATOR MCLANE: This is a bill that was put in at the request of the division and at the request of Doctor Bird. It authorizes the commissioner of Health and Human Services to create interagency family assistance teams. The amendment makes it very clear that families are involved.

SENATOR WHEELER: As I pointed out on Tuesday, this is another area where the division has set the policy, and carried out the policy. And then they have come in here and asked us for permission to do what they are already doing. The inner agency team was killed by this body in HB 1485 and other proposals several years ago. The agency went ahead and implemented the policy of the interdisciplinary team anyway, even though we killed the measure. I wanted to point that out to the body. I think that is really putting the cart before the horse.

SENATOR J. KING: I don't think that they had fully implemented anything, as far as the family thing goes. I think that they were working at it, and that would be the customary thing to do when you are working with children; and that is to get the family and anybody else in society, or in the cities and towns that are involved. They did come to us this time. And we think that it is a great idea. I would hope that Senator Wheeler does too. And I believe that it ought to pass and make it legal.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 770-FN, an act relative to eligibility requirements for persons receiving public assistance. Public Institutions, Health and Human Services Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: Mr. President and members of the Senate, SB 770 requires any person who has received a high school diploma or a GED to be actively enrolled in a college or university or actively seeking employment in order to receive public assistance. The sponsor requested that the bill be inexpedient to legislate since the bill as drafted, is counter to what the sponsor intended. The committee recommends inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 772-FN, an act authorizing involuntary civil commitment for certain individuals. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator Baldizar for the committee.

5044B

Amendment to SB 772-FN

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing involuntary civil commitment for certain individuals
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes that a small group of individuals with mental retardation are charged with certain serious felonies, yet are found incompetent to stand trial. Those individuals cannot be involuntarily committed pursuant to RSA 135-C since that chapter requires a finding by the probate court that the individual suffers from a mental illness. This act will authorize the involuntary commitment of only those individuals who have been charged with serious felonies and have been found incompetent to stand trial because of mental retardation, and will provide services for such individuals. While protecting members of the community who have been victimized by the individuals who are the subject of this act, the legislation is limited in its application to protect the civil liberties of other persons with mental retardation who have not been charged with a serious felony.

2 Evaluation for Commitment. RSA 135:17-a is repealed and reenacted to read as follows:

135:17-a Evaluation for Commitment.

I. After a determination by the superior or district court that a person is not competent to stand trial, the court may order the person to remain in custody for a reasonable period, not to exceed 90 days, to be evaluated for appropriateness for involuntary admission into the state mental health services system, including the secure psychiatric unit, and to commence civil proceedings, if appropriate.

II. In any case where a person:

(a) Has been charged with a felony involving serious bodily injury or the use of a deadly weapon, or with aggravated felonious sexual assault (other than pursuant to RSA 632-A:2 I(h)) or felonious sexual assault, or with arson pursuant to RSA 634:1, II or III; and

(b) Has been determined to be not competent to stand trial, and the superior or district court has found that probable cause exists that the person meets the criteria for commitment under RSA 171-B:2, the court may order the person to remain in custody for a reasonable period, not to exceed 90 days, to be evaluated for the appropriateness for involuntary admission into the state developmental services delivery system or the secure psychiatric unit, and to commence civil proceedings, if appropriate.

III. The court may order a person determined not to be competent to stand trial to submit to examinations:

(a) By a psychiatrist, designated by the state, for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state mental health services system, including the secure psychiatric unit; or

(b) By a physician, psychiatrist or psychologist, designated by the state, who shall have experience and training in mental retardation for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state developmental service delivery system or the secure psychiatric unit.

3 New Paragraph; Definition Added. Amend RSA 171-A:2 by inserting after paragraph XV-a the following new paragraph:

XV-aa. "Receiving facility" means any facility designated by the director pursuant to RSA 171-A:20.

4 Exception Added. Amend RSA 171-A:5 to read as follows:

171-A:5 Voluntary Entry Into Service Delivery System.

I. Applications for service shall be made by the developmentally disabled person seeking such service, and all placements shall be voluntary. If the client is under the age of 18, the application for service may be initiated by a parent or legal guardian. If the client is over the age of 18 and has been adjudicated incompetent by the probate court, the application for service may be initiated by the court-appointed guardian. If the screening evaluation by the area agency recommends the residential placement of a minor or of a legally incompetent person, the hearing procedures established by the division under RSA 171-A:6 and 10 shall apply.

II. Notwithstanding paragraph I, a person may be involuntarily admitted to the service delivery system pursuant to RSA 171-B.

5 Exception Added. Amend RSA 171-A:7 to read as follows:

171-A:7 Withdrawal from Service Delivery System. ***Except for a person admitted involuntarily pursuant to RSA 171-B,*** a client at any time may seek a change in placement or withdraw entirely from the service delivery system. A parent or legal guardian may seek a change of placement for or withdraw entirely a minor or ward in his custody at any time, unless such minor has reached the age of majority during such placement. The administrator shall notify the area agency of any such withdrawal and may, if appropriate, indicate in the client's record that such withdrawal was against professional advice.

6 New Paragraph; Termination of Service. Amend RSA 171-A:8 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding this section, the administrator shall not terminate service to a person involuntarily admitted pursuant to RSA 171-B without prior approval of the director, except:

(a) Upon transfer of the person to another receiving facility or to the secure psychiatric unit; or

(b) Upon expiration of the order of commitment.

7 New Section; Transfer of Involuntarily Admittees, Rules. Amend RSA 171-A by inserting after section 8 the following new section:

171-A:8-a Transfer of Involuntary Admittees; Rules.

I. A receiving facility to which a person is ordered for involuntary admission or to which such person has been transferred may transfer the person to another receiving facility if the receiving facility to which the person is to be transferred can better provide the degree of security and treatment required by the person. All transfers shall require the approval of the director or designee. The director shall adopt rules, pursuant to RSA 541-A, relative to transfer criteria and procedures for the challenge of transfer decisions by the persons so transferred.

II. Transfers to the secure psychiatric unit of involuntary admittees may be made pursuant to RSA 171-B:15.

8 New Subdivision; Involuntary Admission. Amend RSA 171-A by inserting after section 19 the following new subdivision:

Involuntary Admission

171-A:20 Receiving Facility; Rules. The director shall adopt rules, pursuant to RSA 541-A, relative to the criteria and procedures for designation of receiving facilities which receive persons for involuntary admissions under RSA 171-B. A receiving facility may be designated by the director for one or more purposes, including, but not limited to:

I. Receiving persons for involuntary admission directly pursuant to a court order; and

II. Receiving involuntarily admitted persons by transfer with the approval of the director or designee.

171-A:21 Discharge by Administrator.

I. When any person has been involuntarily admitted to a receiving facility pursuant to RSA 171-B or conditionally discharged pursuant to paragraph II of this section, the administrator of the receiving facility most recently providing services to the person may grant an absolute discharge to the person with the consent of the director or designee who has reviewed the person's situation, provided that the director or designee determines that an absolute discharge shall not create a potentially serious likelihood of danger to others or a potentially serious likelihood of substantial damage to real property. The administrator shall, in writing, immediately notify the court entering the original order of commitment and the attorney general that the person has been given an absolute discharge from the receiving facility. Upon receipt of the notice, the court shall make the notice part of the person's file and shall enter the discharge and date of discharge upon the docket.

II. The administrator of the facility may, with prior approval of the director or designee, grant a person, whose condition is not considered appropriate for absolute discharge, a conditional discharge.

171-A:22 Conditions of Conditional Discharge.

I. The administrator of a receiving facility may, with prior approval of the director or designee, grant a conditional discharge to any person who consents, by an informed decision, to participate in continuing services from an area agency, who agrees to be subject to any rules adopted by the director relative to conditional discharge, and who agrees to comply with the conditions of the discharge. The administrator of the facility or designee shall prepare, deliver a copy of, and read and explain to the person being conditionally discharged a written statement in clear and understandable language of the conditions of conditional discharge and a warning that violation of those conditions may result in revocation of the conditional discharge pursuant to RSA 171-A:23.

II. A conditional discharge shall not exceed the period of time remaining on the order of involuntary admission and shall become absolute at the end of its term, unless extended by the court.

171-A:23 Revocation of Conditional Discharge.

I. If an administrator at an area agency providing continuing services to a person conditionally discharged pursuant to RSA 171-A:22 or the administrator's designee reasonably believes that:

(a) The person has violated a condition of the discharge; or

(b) A condition or behavior exists as a result of which the person may pose a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, the administrator or designee may conduct a review of the acts, behavior or condition of the person to determine if the conditional discharge shall be revoked. The review may be conducted only after the person has been given written and verbal notice of the belief, and the reasons for such belief, that a violation of the conditional discharge has occurred or other circumstance or condition exists which may result in a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, and the person has been given an opportunity to provide information to the administrator or designee as to why the revocation should not occur.

II. If the person refuses or is otherwise unavailable for the review under paragraph I, the administrator or other representative of the area agency may sign a complaint for delivery of the person for the review. The com-

plaint and the written notice required by paragraph I shall be provided to a law enforcement officer who shall take custody of the person and immediately deliver such person to the place specified in the complaint.

III. If the administrator or designee, following the review finds that either the person has violated a condition of the discharge or a condition or behavior exists as a result of which the person may pose a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, he or she may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the administrator or designee shall inform the person affected verbally and in writing, giving the reasons for the revocation and shall identify the receiving facility to which the person is to be delivered.

IV. A law enforcement officer shall take custody of the person whose conditional discharge was temporarily revoked under paragraph II and deliver the person, together with a copy of the notice and the reasons for the temporary revocation, to the receiving facility identified by the administrator or designee where the reasons for temporary revocation of the discharge shall be reviewed. Following such review, if the administrator of the receiving facility or designee finds that either the person conditionally discharged has violated a condition of the discharge or a condition or behavior exists as a result of which the person may pose a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, the administrator or designee may revoke absolutely the conditional discharge and shall provide to the person written and verbal notice of the reasons for the absolute revocation. Following such revocation the person shall be subject to the terms and conditions of the order of involuntary admission from which conditional discharge was granted as if the conditional discharge had not been granted.

V. If the administrator or designee performing a review under paragraph III or paragraph IV finds no basis for temporary or absolute revocation of the discharge, the person shall be returned by the program or facility which has custody of the person to the location where the person was initially taken into custody or to another location agreed to by the person.

171-A:24 Review by Director; Appeal; Rules. A person whose conditional discharge is revoked pursuant to RSA 171-A:23 may appeal the decision to the director. The person shall be entitled to a hearing on the appeal, before the director or designee, within 5 days, excluding weekends and holidays, of the receipt of request for the hearing in accordance with rules adopted by the director pursuant to RSA 541-A. Such rules shall include provision for legal counsel and for waiver of the hearing.

171-A:25 Action for Discharge. Any person subject to an order for involuntary admission pursuant to RSA 171-B:12 may file in probate court a petition setting forth such person's name, the underlying circumstances and date of the prior order of the court ordering such person's involuntary admission, a request for discharge from involuntary admission, and the reasons for such request. The petition shall be accompanied by the certificate of a physician, psychiatrist or psychologist with experience and training in mental retardation stating that the person is no longer in need of involuntary admission and setting forth the facts upon which such opinion is based. Upon receipt of the petition and the certificate, the court shall conduct a hearing pursuant to RSA 171-B.

171-A:26 Habeas Corpus. RSA 171-A:25 shall not be construed to deprive any person of the benefits of the writ of habeas corpus. If the court issuing the writ of habeas corpus grants relief, the court shall enter an order discharging the person and shall transmit a certified copy of it to the probate

court entering the original order of involuntary admission. Upon receipt of the certified copy, the probate court shall enter an order finding that such person has been discharged by order of the court.

171-A:27 Custody and Transportation.

I. Any law enforcement officer shall take custody of persons who are subject to proceedings for involuntary admission under the following circumstances:

(a) Upon issuance by an administrator or designee of a complaint for delivery for review pursuant to RSA 171-A:23, II;

(b) Upon a determination to revoke a conditional discharge temporarily pursuant to RSA 171-A:23, III; or

(c) As necessary to ensure the presence of the person at hearings or examinations conducted under RSA 171-A or 171-B, to effect a transfer between receiving facilities, or to carry out any other lawful order of a court.

II. A law enforcement officer shall also transport any person taken into custody to the appropriate receiving facility, court, place of examination, or other location.

171-A:28 Duty to Transport. Upon request, the office of the sheriff of the county in which any person is located who is to be taken into custody in accordance with RSA 171-A:27 shall take such person into custody and transport that person to the appropriate destination.

171-A:29 Rights Guaranteed. All rights guaranteed by RSA 171-A to persons with developmental disabilities shall be retained by persons involuntarily admitted under RSA 171-B except where safety or security mandates restriction of such rights. Any restriction of rights under this section may be appealed to the director pursuant to rules adopted by the director under RSA 171-A:3.

9 New Chapter; Involuntary Admission for Persons Found Incompetent to Stand Trial. Amend RSA by inserting after chapter 171-A the following new chapter.

CHAPTER 171-B

INVOLUNTARY ADMISSION FOR PERSONS FOUND INCOMPETENT TO STAND TRIAL

171-B:1 Jurisdiction. For proceedings under this chapter, jurisdiction is vested in the probate court in the county where the person sought to be admitted resides or is detained. For a person who is subject to an order for involuntary admission under this chapter, jurisdiction for a hearing held pursuant to this chapter is vested in the probate court for the county wherein the person is receiving services or where the receiving facility that has custody of the person is located, unless the court making the initial involuntary admission order has specifically retained jurisdiction over such person. The probate court judge who presides at hearings held pursuant to this chapter shall be reimbursed at the same per diem rate as court appointed referees in superior court pursuant to RSA 519:15.

171-B:2 Involuntary Admission Standard. The standard to be used by a court, physician, psychologist or psychiatrist in determining whether a person should be admitted on an involuntary basis shall be whether the person:

I. Has been charged with a felony involving serious bodily injury or the use of a deadly weapon, or with aggravated felonious sexual assault (other than pursuant to RSA 632-A:2, I(h)) or felonious sexual assault, or with arson pursuant to RSA 634:1, II or III;

II. A district court, superior court, or grand jury has found that probable cause exists that the person committed a felony as set forth in paragraph I;

III. Is determined to be not competent to stand trial; and

IV.(a) Has mental retardation; and

(b) Has a condition or behavior as a result of which the person poses a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property.

171-B:3 Petition of Responsible Person. The attorney general, or designee, or the director of mental health and developmental services, or designee, may petition for a hearing relative to the need for admission on an involuntary basis of another person or due to mental retardation under RSA 171-B:4.

171-B:4 Petition. The petition for admission on an involuntary basis shall include:

I. The name of the person sought to be admitted and such person's last known address.

II. The specific facts that the petitioner alleges satisfy RSA 171-B:2.

III. A certificate from a physician, psychiatrist, or psychologist who shall have experience and training in mental retardation, who has examined the person and reviewed the condition or behavior of the person sought to be admitted within 10 days of the date the petition is filed and who agrees that, based on this examination, such person satisfies RSA 171-B:2.

IV. The names and addresses of witnesses who can testify to the specific acts, conditions, or behaviors of the person sought to be admitted which the petitioner alleges will satisfy the requirements of RSA 171-B:2.

171-B:5 Hearing Date. The probate court judge of original jurisdiction shall, upon receipt of the petition, set a hearing date. The hearing shall be held within 20 days, excluding Saturdays, Sundays, and legal holidays, from the date of receipt of the petition.

171-B:6 Register to Send Copies of Petition. Subsequent to receipt of the petition for involuntary admission, the register of probate shall, within 2 days of receipt of the petition, forward 2 copies to the person sought to be admitted.

171-B:7 Examination. Upon receipt of the petition, the court shall order a person sought to be admitted to submit to an examination by a physician, psychiatrist, or a psychologist, who shall have experience and training in mental retardation, who is designated by the court. The expert so designated shall file with the court at least 7 days prior to the day of the hearing, a written report. The report shall include the examiner's opinions as to the following:

I. Whether the person sought to be admitted meets the standard in RSA 171-B:2;

II. Whether involuntary admission is necessary; and

III. If I and II are met, the facility which can best provide the degree of security, services and treatment needed for the person.

171-B:8 Recommendations; Copy to Person. No later than 5 days prior to the day of the hearing, a copy of the report prepared pursuant to RSA 171-B:7 shall be made available to the petitioner, the person sought to be admitted and to such person's attorney.

171-B:9 Continuance. Either party may apply to the court for continuance of the hearing on a petition for involuntary admission which the court may grant for good cause shown.

171-B:10 Conduct of Hearing. At the hearing, the person whose mental condition is the subject of the hearing shall have the right to legal counsel, to present evidence on such person's own behalf, and to cross-examine witnesses. Such person shall also have the right to summon as witnesses the expert who filed the report pursuant to RSA 171-B:7 and to cross-examine the expert. The hearing shall be a public hearing. A transcript, which may, at the court's discretion, consist only of an audio recording, shall be made of the entire proceedings.

171-B:11 Change of Venue. In hearings held under this chapter, upon the request of the person sought to be admitted, a change of venue or transfer may be granted at the court's discretion.

171-B:12 Order of Court. If, after the hearing, the court finds by clear and convincing evidence that the person has mental retardation and has a condition or behavior as a result of which such person poses a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, the court shall order the person to submit to:

I. Treatment and services in a receiving facility within the state developmental services delivery system;

II. Treatment and services in the secure psychiatric unit; or

III. Treatment and services within the state developmental services delivery system other than in-patient treatment.

171-B:13 Limitation of Order. No order made pursuant to RSA 171-B:12 shall be valid for longer than 5 years. For the order to be renewed, another hearing shall be held pursuant to this chapter.

171-B:14 Amended Orders. The court issuing an order for involuntary admission to the state developmental services system shall retain jurisdiction of the case for the duration of the order. At any time during the period of such order, any person may petition the probate court having jurisdiction for a hearing on whether the order should be amended or the person should be involuntarily admitted to a receiving facility or the secure psychiatric unit.

171-B:15 Transfers.

I. A person admitted to any receiving facility pursuant to this section may at any time be transferred by the administrator of the receiving facility to the secure psychiatric unit upon a determination that the person would present a serious likelihood of danger to self or to others if retained in any receiving facility. Any such transfer shall be subject to the provisions of RSA 622:45. No person shall be retained in the secure psychiatric unit longer than the period of involuntary admission ordered by the court under this chapter.

II. A person admitted to any receiving facility pursuant to this chapter may be transferred at any time to another receiving facility designated for that purpose by the director of mental health and developmental services when such receiving facility can provide the degree of security, service, and treatment needed by the person in accordance with rules established under RSA 171-A:8-a.

171-B:16 Conditions of Conditional Discharge. No person who is admitted to a receiving facility or to the secure psychiatric unit pursuant to this chapter shall be discharged, either absolutely or conditionally, prior to the expiration of the order of commitment without prior approval of the director of mental health and developmental services when the person is committed to a receiving facility, or the commissioner of the department of corrections, when the person is committed to the secure psychiatric unit. No person who is transferred to the secure psychiatric unit pursuant to RSA 171-B:15 shall be discharged or transferred from the unit prior to the expiration of the order of commitment without prior approval of the commissioner of the department of corrections.

10 Commitment. Amend RSA 622:45, I to read as follows:

I. Any person subject to an involuntary admission to the state mental health service system pursuant to RSA [135-B] **135-C or any person subject to involuntary admission pursuant to RSA 171-B** may at any time be transferred to the unit upon a determination that the person would present a serious likelihood of danger to himself or to others if admitted to or retained in a receiving facility in the state mental health services system. The admission to the unit may be ordered by:

(a) A probate court pursuant to RSA [135-B:26-41] **135-C:34-54**; or

(b) An administrator of a designated receiving facility to which a person has been involuntarily admitted pursuant to an involuntary emergency [hospitalization] **admission** or an involuntary admission[.];

(c) A probate court pursuant to RSA 171-B or an administrator of a receiving facility to which a person has been involuntarily admitted pursuant to RSA 171-B.

11 Discharge. Amend RSA 622:48, I(b) to read as follows:

(b) The commissioner or [his] designee may transfer to the state mental health services system, **or to the state developmental services delivery system only if the person was admitted or transferred to the unit pursuant to RSA 171-B**, any person admitted or transferred to the unit, pursuant to RSA 622:45, I, upon a determination that the person no longer presents a serious likelihood of danger to [himself] **self** or others if **such person were to be** confined within a receiving facility in the state mental health services system **or the state developmental services delivery system**. If the director objects to a proposed transfer[, the commissioner and the director may agree to have the disagreement resolved by a mutually acceptable third party] **the attorney general shall resolve the disagreement**.

12 Appropriation. The sum of \$44,232 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of corrections for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill establishes a procedure to be used for involuntary civil commitment for persons charged with serious felonies who have mental retardation and who are found to be incompetent to stand trial.

SENATOR BALDIZAR: This bill authorizes and establishes a procedure to be used for involuntary civil commitment for persons charged with serious felonies, but found to be incompetent and stand trial as a result of their mental retardation. This bill is necessary to protect the public and to ensure treatment of those mentally retarded people committing serious felonies who are slipping through the system. The bill is reported to have effect on approximately four to six people. Right now, in this state. Under current law, there is no provision for civil commitment of mentally retarded, but there is a provision for people with mental illness; therefore, those mentally retarded persons found incompetent to stand trial are released to commit additional felonies perhaps and they don't have access to the services that they need. This was not an easy subject for the committee to deal with. There was considerable time spent on this issue. I think that the committee has struck an appropriate balance. Thank you.

SENATOR LOVEJOY: Senator Baldizar you say that there are four to six people who would be affected now. Would you believe that I had a call from some parents who have a young man who fits into this category who does things without knowing about them. The question that the parents are asking you, should this child be incarcerated? He has a 24 year old body, in a six year old mind. If a door is open, he is apt to walk in, not meaning any harm, but to walk in. Does this bill offer any protection to this type of a person, and does it require treatment for this type of a person?

SENATOR BALDIZAR: The bill does offer protection. It is very narrowly drawn that only the Attorney General or his designee can authorize civil commitment and there has to be probable cause shown. It is really for

someone who has already exhibited dangerous behavior. I think that the case that you are describing would not fit into this category. Also, the person would have had to be charged with a felony involving serious bodily injury or the use of a deadly weapon or with aggravated felonious sexual assault. So there has to be probable cause.

SENATOR FRASER: Senator Baldizar, is it your testimony that someone who is accused of a felonious sexual assault and is found incompetent to stand trial is put out into the street?

SENATOR BALDIZAR: Yes. That is the current practice. If the person is mentally incompetent. If it is a mental illness, that is different. One is treatable and one is not. And there is a gap in the law right now, that allows civil commitment for people who are mentally ill, but not for people who are mentally retarded. That is the purpose of this legislation, who are also dangerous.

SENATOR BARNES: I would like to address the concern of Senator Lovejoy's constituent. The answer to that, Senator Lovejoy, is that, we are not going to if this bill passes, we are not going to take a truck out and round up a whole mess of folks. This bill is a win-win situation. What it does is to protect some folks in this state from acts from some folks out there. I can refer to the reason that I got involved in this: A young lady came to me who used to work for me; her daughter was raped by her grandfather and he was judged to be retarded, and he is now walking the streets of the city of Nashua. Number two, after I put this legislation in, you all read about what happened in Manchester with the person who was lighting fires and it almost killed a couple of folks. So the win-win on this is, if we can pass it, that it is going to protect citizens in this state. But just as importantly, those estimated four to six people, that might all come under this in the course of a year, they are going to be able to get treatment. And they are going to be put into a place where they are treated instead of wandering the streets and possibly causing problems. That is the whole idea of this. The whole idea is not to round up a whole mess of folks and throw them into a holding tank, that is not the idea at all. I want you to all know that many people worked on this legislation. There were many meetings before we even had the committee meeting. Many groups came together. Everyone wasn't happy, but a lot of things were worked out. Doctor Shumway, you have seen it in the paper two or three times, he came in and supported the bill, and he supported the bill in front of the committee. I only wish that the rest of the 23 of you could have been there for the testimony and heard from the five victims that gave testimony. If you were, I don't think that there would be any further debate on this bill.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

Recess.

Senator Hough (In the Chair)

SB 637-FN, an act relative to public roads and the use of salt, sand and deicing alternatives. Transportation Committee. Ought to pass with amendment. Senator Lamirande for the committee.

4939B

Amendment to SB 637-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a pilot program concerning the use of deicing alternatives and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds and declares that:

I. The use of deicing salt on some state highways has resulted in environmental damage to roadside vegetation, erosion of roadside soils, and contamination of ground and surface waters.

II. Deicing salt causes increased corrosion and deterioration of highways, bridges, parking structures, sidewalks, and public and private automobiles.

III. The lifetime societal costs of using salt greatly exceeds its purchase price.

IV. Reduced use alone of deicing salt has been shown to increase the number of vehicular accidents and results in delays in the transportation of goods and services.

V. Reductions and tighter controls over the use of salt may reduce the environmental impact of its use.

VI. The United States Congress, the Transportation Research Board and the Federal Highway Administration have identified alternative technologies to mitigate the environmental and corrosion problems caused by deicing salt.

VII. Where the use of salt is causing damage to the environment and or significant corrosion and deterioration of highway infrastructure, or both, it is necessary to implement best management practices to reduce, mitigate or remediate these effects.

2 Deicing Alternatives Pilot Program.

I. The general court hereby establishes a pilot program to test the use of deicing alternatives in the Nashua area. The pilot program shall be designed and implemented by the department of transportation in conjunction with the Nashua area regional planning commission upon the philosophy outlined in section 1 of this act. The pilot program shall only be conducted during the winters of 1994-1995 and 1995-1996, unless authorized to continue by the legislature.

II. The department of transportation in conjunction with the Nashua area regional planning commission shall consider high priority areas in which bridges, highways, roadside vegetation, soils, wildlife, agriculture and water resources have been damaged or degraded by the use of salt and sand. The department of environmental services shall make available to the department of transportation and the regional planning commission any information which will assist in identifying high priority areas.

III. The department of transportation and the regional planning commission shall develop best management practices for the designated high priority areas. Best management practices in high priority areas may consist of reductions or elimination of salt and sand and substitution of alternative deicers where necessary.

IV. The department of transportation and the regional planning commission shall make an interim report on or before July 1, 1995 and a final report on or before July 1, 1996, to the senate president, speaker of the house, and the governor on their findings and recommendations relative to the pilot program. The program shall be evaluated in terms of cost, utilization and any other pertinent matter.

V. In this act, "salt" means sodium chloride, calcium chloride, potassium chloride or magnesium chloride.

3 Appropriation. The sum of \$1 is hereby appropriated to the department of transportation and the Nashua area regional planning commission for

the biennium ending June 30, 1995, for the purposes of section 2 of this act. This appropriation is in addition to any other sums appropriated to the department or the regional planning commission. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a pilot program in the Nashua area concerning the use of deicing alternatives and makes an appropriation for this purpose.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass as amended.

Amendment adopted.

Ordered to third reading.

SB 642-FN, an act relative to drug-free school zones and creating a special fund for providing and replacing zone signs. Transportation Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 745-FN, an act relative to the maintenance of vegetation obstructing advertising devices. Transportation Committee. Ought to pass with amendment. Senator Lamirande for the committee.

5042B

Amendment to SB 745-FN

Amend RSA 236:72-b as inserted by section 1 by replacing it with the following:

236:72-b Vegetation Maintenance Permit. The commissioner shall issue to the owners or holders of outdoor advertising permits if the face of the outdoor advertising device is visible to occupants of vehicles from the main traveled ways of the system on the date of erection, permits to prune and remove vegetation located on the right of way adjacent to the outdoor advertising device and replace, when necessary, with vegetation that the commissioner deems suitable, whenever such vegetation prevents clear visibility for a distance of 500 feet. Application for a permit shall contain the name and residence or principal business address of the applicant, the location of the device, its face size, the number of faces carrying advertising, and the type of vegetation to be pruned or removed, and such other reasonable information or requirements as the commissioner may require. Vegetation maintenance permits shall be issued upon payment of a fee of \$250 per outdoor advertising device. Within 30 days of the filing of the application, the department and applicant shall inspect the advertising device and its surrounding vegetation to determine which action, which includes pruning, removal, or both, shall be necessary to create a clear 500 foot view of the advertising device. ***Further, any action necessary, whether pruning, removal, or both, shall be done in a reasonable, tasteful and complimentary manner.*** Application for a permit shall be granted except as provided in this section and in RSA 236:78.

SENATOR LAMIRANDE: I am pleased to speak to you today in strong support of SB 745, relative to the maintenance of vegetation obstructing

advertising devices. I believe that this issue is not a billboard issue, but rather a New Hampshire business issue. According to the Department of Transportation, nearly two thirds of all of the billboards in the state, advertise business, the business is our tourism industry. It is my opinion, that measures need to be taken to assist the businesses in New Hampshire, and SB 745-FN does just that. This bill does not allow a proliferation of new signs. But rather, it deals with signs already in advertising positions. It's only signs that have existed before vegetation blockage that will be eligible for vegetation maintenance. Also, only vegetation within 500' of the sign will be eligible for maintenance. All maintenance will be done exclusively at the permittees expense, no New Hampshire tax dollars will be used to perform this work. The sign owners of this state pay the Department of Transportation thousands of dollars each year in permit fees for legally placed billboards. These sign owners also pay hundreds of thousands of dollars to property owners who permit those signs on their property. This bill is also very clear in its intent to have the industry work with the Department of Transportation when it is necessary to perform a replanting. When such a replanting is necessary, such replanting will be done with vegetation that the commissioner deems suitable and fashioned in a tasteful and appropriate matter. In closing, this bills intent is to allow our motorists to see advertisement of New Hampshire businesses on the legally permitted billboards that correctly exist along our roadways. This bill will hopefully help our small business owners across the state and ultimately, strengthen our state economy. I would also like to add, that in a letter that I received, it states at the bottom of the letter, and they are in support of the bill by the way, "it has always been a source of left handed amusement to know that the very people who make our laws, and many of them uphold billboards, are the very ones whose little cardboard signs are stuck everywhere along our roads come election time. If billboard advertising doesn't work, and isn't effective, why are these signs so prevalent?" These are not my words, these are the words of a constituent who happens to be in Senator MacDonald's area, and we thank him. I urge you to support the bill as amended. The amendment by the way, is just one sentence that says, "further, any action necessary whether pruning, removing or both, shall be done in a reasonable, tasteful and complimentary manner."

SENATOR MCLANE: I don't know where to begin. But it is obvious that Senator Lamirande hasn't been around for the last 20 years like I have, longer than 20 years, it was 1970. I love the words, "reasonable, tasteful, complementary," they can't even call it a billboard bill. What they call it is, "a vegetation maintenance permit." Come on. It is a billboard bill. And I have been at this game for a long time now. Bouley just won one. Give him one, but not two today. I have been at this game for 20 years. Oh, he has won two today? Oh, not even one! Let me tell you something. Vermont and Maine have no billboards at all. New Hampshire is also a tourist state. We have had a bunch of bills to try and keep billboards. We register billboards, we have done everything but they are still there. I am not saying that we are going to get rid of them, but, let me tell you what this bill does: It says that someone can go onto state land, the state doesn't have an option. It says that the commissioner shall issue, shall be issued, shall be granted, there is no option for the state. Any guy that wants to cut some trees in front of his billboard can go do so, get a permit from the state, because the state cannot not issue that permit. Now let me tell you the sort of stuff that they tell you. Here is a great big tree, 'we are not going to cut that tree down, don't worry. We are just going to trim it. We are just going to make a hole in it.' How many of you have seen a tree trimmed so that the billboard

shows behind it? It is all words. Now let me tell you how long 500' is: 500' is from right here at my chair to the Governor's Office. I just measured it, and back here and then back again. Five hundred feet is a long way. It is a football field and two thirds, and yet they just say, poof, nothing, just 500'. We are just going to clear the highway out, 500'. Let me tell you why I feel so strongly about it. It is because I think that it is wrong of New Hampshire to be encouraging billboards. We made a compromise with these people last year. We now at the objection of the Transportation Department in the beginning, have logos at every single exit. We tell you where you can find a hotel, we tell you where you can get a McDonalds burger. But, let me tell you something, these people try to tell you that it is a great tourist thing, no one will go to Yoken's unless they can see that billboard. That is what they are trying to tell you. But let me tell you what the billboards say. Take a look at Mr. Trasker's, down here on route 4. Those billboards aren't anything about where to go for a hotel. Those billboards are for anything. So it is not a tourist thing, it is not a free speech thing, it is instructing the Transportation Department to go and allow people to cut trees down in front of billboards so that when people drive by they will not see the beauty of New Hampshire, but they will only see billboards.

SENATOR BARNES: Senator McLane, would you believe that my understanding of this bill is, that if there were trees or shrubs taken down that were necessary, working with the Department of Transportation, a light number would be replaced?

SENATOR MCLANE: And I heard what they were going to be. They were going to be lilacs. Lilacs are great for putting in front of billboards. They have no leaves all winter and they don't grow higher than 10 feet. I don't believe that you can cut a tree down in front of a billboard and landscape it. I think that it is all part of the height. It isn't even . . . it is vegetation maintenance, it isn't cutting down. And that is the difference.

SENATOR BARNES: Thank you, Senator, we obviously have a disagreement. But question number two, or point number two. Would you believe, that there are a lot of business people in this state? And I am sure that a lot of them are constituent of yours, as well as myself, and everyone else here, that do need the ability to advertise off premises? I can tell you from experience, that I have and have been involved with, that billboards do increase a person's business. And those logo signs that you brought into the discussion, which I was very happy to hear you do, are going to add to the general fund of the state of New Hampshire at no cost at all; because it is going to increase a lot of small business as well as big businesses volumes, and they are going to pay more money to the state's Rooms and Meals and etc?

SENATOR MCLANE: Which gets to the bigger picture.

SENATOR BARNES: Okay.

SENATOR MCLANE: We are a tourist state. We should remain beautiful.

SENATOR BARNES: We are so fortunate that this is a tourist state that allows all of us to go skiing when we like to, because that is really one of the top tourist attractions, do you believe that, Senator?

SENATOR MCLANE: I would believe it. I do it.

SENATOR BARNES: Okay.

SENATOR COLANTUONO: Senator Lamirande, Senator McLane talked about this bill encouraging more billboards. I don't read it that way. Is there anything in the bill that is going to encourage more billboards or is this just limited to the billboards that we have now?

SENATOR LAMIRANDE: No. It is limited to the billboards that we have now.

SENATOR MCLANE: If there are trees in front of a present billboard, you would cut them. There are 300 billboards. If the trees grow up in front of some of them, and this bill did not pass, those billboards would be eliminated. If you could cut the trees in front of them, they would remain eye sores or business encouragers, whichever you wish to call them. But, isn't the point, that if you allow the trees to be cut, you will be increasing the natural attrition of billboards and that is what I meant to say? Isn't that true?

SENATOR LAMIRANDE: That is a strange question, Senator McLane, and I am trying to find out what the question is.

SENATOR MCLANE: What I am saying is that if it did not increase the number of billboards, would it stop the attrition of billboards? Maybe again, I am not asking it correctly.

SENATOR LAMIRANDE: Well as I understand the question, if the trees were to be cut in front of a billboard that is obscure right now, it doesn't increase the number of billboards. It just increases the number of billboards that are visible now.

SENATOR MCLANE: Right.

SENATOR LOVEJOY: I just want to point out that this billboard bill is extremely important to the business community in our state of New Hampshire. Extremely important. We are in the process of building and improving highways. These highways circumvent the areas of activity; so it is very important that those people traveling on these highways are cued as to where they should go and what exit that they should look for, and for how far it is, and where to get off. And so this is an important bill. I would reemphasize that this doesn't create more billboards; it takes those people, those billboards that are permitted to exist, and it cleans them up so that they can be viewed and kept neat and clean. I strongly support the bill.

SENATOR COHEN: Senator McLane, you mentioned that you were concerned about all trees either being cut down or carved out. My question would have to be, I am not sure how old the oldest billboards are in New Hampshire, I would guess among the older ones, maybe 20 years. The question is, how fast can a tree grow in 20 years? I question how tall a tree can become in that period of time?

SENATOR MCLANE: Let me tell you exactly, and this is the reason that this issue is so dear to my heart. As you come into Concord, New Hampshire, there is a curve. There was a junkyard and ten billboards; ten large, high, billboards on that corner. And there were a group of kids on Earth Day who felt that this wasn't a proper way to come into Concord, the capital city with the gold dome, and the junkyard, and the billboards. None of which had any . . . one of them I remember clearly, said, "Kool cigarettes", they weren't telling us to go eat at some restaurant. A bunch of kids got what they call Red Pine and planted them as you come into town. Those pines grow, this was Earth Day 1970. Those pines grew to a height where all of the billboards have disappeared but two. Those billboards, one of them is empty and it just says, "space for sale", on it. And people can't see them because of the trees. If this bill passed, the Department of Transportation shall, not may, but shall, allow people to cut those trees so that the billboards can be seen. I am very deeply opposed to this bill.

SENATOR MACDONALD: Senator McLane, I am just a little confused on what you just said.

SENATOR MCLANE: I don't know why.

SENATOR MACDONALD: I thought that Senator Cohen said that in the early 70's they had six signs there and they agreed to take down six signs with the right to have one sign there. Am I correct on that?

SENATOR MCLANE: I think that Mike from the Monitor went down and discovered that there were ten of them. All that I am saying is that right now, there are two signs, two on one or one sign, but there are two billboards together. What the bill would allow them to do is to cut the trees so that you could see that billboard.

SENATOR MACDONALD: But won't you agree that when Mr. Cohen, no relation, as far as I know

SENATOR MCLANE: My son used to work for him.

SENATOR MACDONALD: Yes, I was going to mention that, but

SENATOR MCLANE: Nice man, nice man.

SENATOR MACDONALD: Don't you understand? My understanding is that he agreed to have one sign or maybe it is two. But what happened was that all at once they picked the location in front of his billboards to put the trees, when they could have put the trees on either side of the billboard. It seems that there was an attempt by the Department of Transportation to put the trees in front of signs, when they could have put them to one side or on either side.

SENATOR MCLANE: One hundred and thirty two people have signed a petition in Concord. I am saying that the Department of Transportation and the people of Concord, value that line of trees more than they value Mr. Cohen having one billboard.

SENATOR MACDONALD: Nice fellow, though?

SENATOR MCLANE: Right. Nice fellow, I agree.

SENATOR W. KING: Senator MacDonald, is it still legal to construct a billboard today, under any circumstances?

SENATOR MACDONALD: I would say that on the secondary roads you might have a chance to put a billboard up; but on the main turnpikes, with federal funds, I think that it is federal funds that control the situation out of this.

SENATOR W. KING: So, if I wanted to erect a billboard on private land adjacent to state land, on a secondary road, I could still do that?

SENATOR MACDONALD: It is my understanding that you still could as long as federal funds were not involved.

SENATOR W. KING: If I were to do that, would this bill then allow me to go onto the state land and to cut the trees in front of that billboard?

SENATOR MACDONALD: I think that it would. I would have to read the bill, but, I think that it would.

SENATOR BARNES: I just wanted to jump into the conversation that was going on over here and make mention that you can't just go out on secondary roads and throw up billboards on private property. There are local zoning laws that come in, and also the state of New Hampshire, on some of those roads, has control. So it is not indiscriminately that you can run out there and put up Burma Shave signs all up and down the highway, just to make that point clear. It seemed like there might be a little confusion on that.

SENATOR W. KING: I know that we don't have the votes here, and it doesn't matter. I think that Susan and I are going to go down in flames. What, you didn't even know that you had me on your side? I would like to make a point about this because I think that it is important in terms of New Hampshire's economy. I think that good, decent people can disagree on this. Senator Lovejoy has said that he thinks that it is beneficiary to the economy to be able to have these signs; and I think, that there is some question about what ultimately is best for our economy. My guess, is that our economy in the long-term, would be far better served by having beautiful roadsides, than it would by having large signs that people could be directed to various businesses. That is why we have the highway signs to begin with, and that is appropriate. We have expanded the ability to have that highway signage and I support that. I think that is a good idea. I am very fearful though about us setting up a situation where an individual, on private land, on secondary roads, if zoning allows, erect a billboard, and then be able to go in and to cut the state's trees so that the billboard can be seen. Senator MacDonald seems to indicate that that is the case. If I am wrong, I stand corrected, but that is why I asked Senator MacDonald the question, because I wasn't certain of it. I would appreciate it if you would correct me if I am wrong. But, ultimately, it seems to me that we would be far better served if people could see beautiful open spaces along New Hampshire's roads, and trees instead of billboards. That is what they would remember when they came to New Hampshire, and that is what they would take home with them after they have left New Hampshire; and that is what they would tell their friends and neighbors about it. But if it begins to look like South Dakota, where every mile we see a Wall Drug sign, then that is what they will remember about New Hampshire.

SENATOR DISNARD: Senator King, would you believe that on page two, that I don't read your interpretation. I read that, "on federal highway turnpikes or state controlled roads adjacent", those are the trees or shrubbery that could be removed. I don't read what you are reading into this?

SENATOR W. KING: Senator Disnard, let me give you an example of a state controlled road. Route 25 that runs through the town of Rumney, it is a fairly long road, and it has a state highway right of way that is quite wide. At least on one side it extends about 25'. Now if I were to decide to place a billboard, pardon me, if my family's real estate business were to decide to place a billboard just outside of the state easement, in the town of Rumney, where we don't have any zoning, we could put as big a billboard as we wanted to. And, if there were trees all along that section of road, under this bill, I believe, that I would be able to go in and then cut the state's trees down so that you would be able to see my billboard. Furthermore, I could probably make a lot of money by renting that billboard space out to somebody else. If that doesn't encourage the construction of billboards on secondary roads, then I don't know what does.

SENATOR DISNARD: I don't read it that way.

SENATOR LAMIRANDE: Senator King, this is a would you believe? Would you believe, Senator King, that the businesses up in the North country, District one, my district, are struggling now to stay afloat? And would you also believe, that that is one of the most beautiful parts of the state of New Hampshire? And would you further believe that the few signs that we have up there, help the businesses in the area?

SENATOR W. KING: Senator Lamirande, you know as well as I do that I share your great love for the North country because that is where I am from as well. I would prefer to see the North country not marred by billboards,

and I would prefer to see New Hampshire not marred by billboards. And I also think that ultimately, that there may be some businesses that would not want to have their signs removed; but ultimately, if we removed those signs, we would also be playing on the same level playing field and people would all be entitled to the small highway signs just as they are in Vermont. I do not hear the tourist industry in Vermont screaming about Vermont being antibusiness.

Amendment adopted.

Ordered to third reading.

SB 752-FN, an act relative to signage on highways and signage fees. Transportation Committee. Ought to pass with amendment. Senator MacDonald for the committee.

4821B

Amendment to SB 752-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to signage on highways and signage fees and
continually appropriating a special fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Signs on Limited Access Highways; Signs; Rulemaking Added; Authority to Impose Fees Added; Radius Increased. RSA 230:49 is repealed and reenacted to read as follows:

230:49 Signs.

I. The location of fuel and other facilities on connecting service roads within a 3 mile radius of the intersection with the limited access highway, a 5 mile radius from a campground, or within a 1 mile radius of the intersection in urban compact areas, may be indicated to users of the limited access facility by appropriate signs, the specifications of which shall be determined by the commissioner of transportation.

II. Signs permitted under paragraph I may be rented for a fee established by rules adopted by the commissioner of transportation pursuant to RSA541-A. The amount of the fee shall not exceed a fair portion of the cost of establishing and maintaining the signs. Fees for motorist-oriented service signing as set forth in paragraph I and collected under this paragraph shall be deposited in the motorist service signing fund established in paragraph III.

III. There is established a special fund to be known as the motorist service signing fund. The commissioner may expend funds in the account to offset expenses relative to implementing and maintaining the motorist service signing program. The fees deposited in the account shall be continually appropriated to the commissioner of the department of transportation.

2 Application of Receipts; Exemption Added. Amend RSA 6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) Moneys received by the department of transportation under RSA230:49, II, which shall be credited to the motorist service signing account established in RSA 230:49, III.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner of transportation to adopt rules relative to a fee for informational signs on limited access highways.

This bill continually appropriates a fund to implement and maintain the motorist service signing program.

This bill also limits the distance a business can be from the limited access highway and rent a sign on the limited access highway.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 766-A, an act making a capital appropriation to the department of transportation for the installation of sidewalks on U.S. Route 3 in Weirs Beach. Transportation Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 144, an act relative to the legacies and successions tax on property jointly owned. Ways and Means Committee. Ought to pass with amendment. Senator J. King for the committee.

5025B

Amendment to SB 144-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Joint Ownership. Amend RSA 86:8 to read as follows:

86:8 Joint Ownership. Whenever property, real or personal, is held in the joint names of 2 or more persons or is deposited in banks or other depositories in the joint names of 2 or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the survivor to the immediate ownership of such property shall be deemed a transfer taxable under this chapter. The transfer shall be in the same manner as though the whole property to which such transfer relates was owned by said parties as tenants in common and had been devised or bequeathed to the survivor by such deceased joint owner. The survivor shall file with the executor or administrator upon a form prescribed by the department, a report of all transfers of real and personal property held in the joint names of the deceased joint tenant and the survivor and shall notify the executor or administrator as to the amounts paid by such survivor from said property for necessary expenses of the funeral of the deceased joint tenant, expenses of the last sickness and medical expenses of the deceased joint tenant. In the computation of the tax under this chapter there shall be deducted from the value of the property so reported such amounts as were paid from said property for such funeral expenses, expenses of last sickness and medical expenses. ***In addition, there shall be further a deductible of \$10,000 from the total amount remaining after any or all of the above expenses are deducted. The amount remaining shall then be deemed a transfer taxable under this chapter.*** The surviving joint tenant shall remit the appropriate tax liability to the executor or administrator, or if the estate is liable for the tax, the executor or administrator shall pay the tax liability from the assets being held by the executor or administrator. The executor or administrator shall incorporate the value of the joint assets and the tax liability into the legacy and succession tax return required by RSA 86:90.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill provides an exemption of \$10,000, after funeral and medical expenses of a deceased joint tenant are paid on the amount taxable under the legacies and successions tax.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 163, an act requiring a balanced state budget and relative to the return of general fund surpluses to the cities and towns. Ways and Means Committee. Inexpedient to legislate. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 228, an act relative to the rate of interest on overpayments and delinquencies on taxes administered by the department of revenue administration. Ways and Means Committee. Inexpedient to legislate. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 500-FN-A, an act exempting certain credit unions from the business enterprise tax. Ways and Means Committee. Inexpedient to legislate. Senator McLane for the committee.

SUBSTITUTE MOTION

Senator Blaisdell moved to **substitute interim study for inexpedient to legislate.**

SENATOR BLAISDELL: Very simply, I think that this bill should go to interim study. The reason being is because the Business Enterprise Tax has not had a long enough time for us to get a real feeling of what the Business Enterprise Tax will generate in due time. I think that this is a legitimate request on the part of Senator Fraser. I would like to have this bill referred to interim study. I would appreciate it if the Senate Finance Committee could be the one to study the bill.

Adopted.

SB 500 is sent to interim study.

SB 501-FN-A, an act relative to the business transition credit with respect to the business enterprise tax. Ways and Means committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 600-FN-A, an act relative to a liquor store in Center Harbor and making an appropriation therefor. Ways and Means committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 666-LOCAL, an act relative to the appraisal of the operating property of public utilities for purposes of property taxation. Ways and Means Committee. Ought to pass with amendment. Senator J. King for the committee.

5024B

Amendment to SB 666

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a legislative committee to study assessment and taxation of utility properties by municipalities.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Study Committee Established. There is established a joint legislative study committee to examine all issues related to the assessment and real property taxation of utility property by municipalities. The committee shall consist of 3 senate members, appointed by the senate president, and 3 house members, appointed by the speaker of the house.

2 Meetings; Mileage. The first-appointed senate member shall call the first meeting of the committee within 30 days of the effective date of this act. The committee shall appoint a chairperson at its first meeting. Members shall be entitled to mileage at the legislative rate.

3 Report. The committee shall submit a report on its findings, including recommendations for legislation, to the senate president and the speaker of the house on or before November 1, 1994.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a joint legislative study committee to examine all issues related to the assessment and real property taxation of utility property by municipalities.

SENATOR J. KING: SB 666 is known in some cases as 'the bill from hell', but it is not. It is a very good bill. It establishes a uniform method toward the state for taxing all utilities in the state of New Hampshire which provides municipalities with fair evaluation information to tax utilities on the local level. The bill does not require municipalities to use any specific method; however, about one half of the municipalities currently use the unit method now. The unit method would look at the utility as a whole, statewide and not as part of each municipality. The Department of Revenue Administration would appraise the utility as a whole, statewide, and it is done on the basis or the method DAR, they are determined the most appropriate for the utility involved. By the way, all of the utilities were involved in this. Presently the unit method is used by 35 of the 50 states. We must keep in mind that all utilities are not controlled by the state; prior to the Public Utility Commission which even determines which rates will be charged by the utility. About the only thing that they don't have complete control over is the expenses. When utility rates TAPE INAUDIBLE and then set rates for the entire state. What would happen if the municipalities were to determine their own utility rates? TAPE INAUDIBLE We

all know that any part of the utility operation by itself could be quite useless without the other parts of the TAPE INAUDIBLE. If rates could be charged by utilities TAPE INAUDIBLE the entire value of each utility and set a value on the whole pie. Then each municipality would tax their piece of the pie located in its locality and set their tax. This seems to me, the best and fairest way to assess taxes of a utility. It is hard to justify taxation of a utility property as more than 100 percent of its value, total value. That is what some think is being done at the present time. Concern for New Hampshire citizens is an increase in taxation for the utilities as an expense, which is automatically passed on to the ratepayers. Keep in mind, that the ratepayers are the ones who feel the brunt of it all. All of this money that goes into this is passed directly onto the ratepayer. An increase in taxation results in the increase in utility rates which is passed right along to the ratepayers in every municipality; even those with no taxable utility property near them in their municipality. Whereas a utility is not limited to only one municipality, it needs all of the parts located in other municipalities throughout the state to be affected. It should therefore, be treated as a whole utility and taxed accordingly. We know that it would not be able to survive without each part; therefore, the fairest way to assess TAPE INAUDIBLE. The bill was sent to a study committee, it would have been sent to a study committee. I find it very difficult to understand why someone would not want to study the situation. In fact, one of the members that spoke before our committee, did recommend that it go to a study committee, and that is what we were obliging to do. Thank you very much.

SENATOR BLAISDELL: Senator King, let me understand? SB 666, what you're advocating is to send this bill to study? That is what 666 does?

SENATOR J. KING: That is all that it does. It sends it to study. The committee is made up of three Representatives and three Senators, and they would go through the thing. By the way, one of the pieces of testimony was that it suggested that you go back to the legislature to work things out and this is what we are trying to do.

SENATOR BLAISDELL: Of all of the calls that I received on SB 666, like last night, I received one from the city of Keene. The amount of money that they quoted me that this bill would cost them was fantastic. I couldn't believe it. But that is what they told me, and I believe them.

SENATOR J. KING: Well, they probably haven't got the message out. Because at that hearing, the utilities did agree that everybody would be held harmless, and that it would be worked on from there. Nobody would lose any money.

SENATOR LOVEJOY: I speak in opposition to SB 666, and I ask that it be defeated so that we can substitute, Mr. President, TAPE INAUDIBLE. For a couple of good reasons, one, it threatens home rule. The other reason is that it does, Senator Blaisdell, it significantly impacts local revenue. In fact, I have two cities in my district. I have the city of Somersworth; it would impact the city of Somersworth by \$147,000. I have the city of Rochester, my home city. It would impact my city by a sum of \$398,000. Guess who I got calls from, a lot of calls? From the city managers and the mayors and the councilors of the cities of Rochester and Somersworth, who are scared to death that they are going to lose home rule here and that they are going to significantly lose revenues. In Rochester, that amounts to about \$1.25 per thousand on our tax rate. It is a significant increase. It is also a significant threat. If the communities currently using other legal acceptable methods of appraisal were required to use the unit method, they would be subject to severe financial penalties as well. For example, dollars TAPE

INAUDIBLE. for a tax revenue loss of about \$1.3 million. Berlin would lose in the neighborhood TAPE INAUDIBLE Gorham would lose \$17.9 million in valuation; that translates into \$3.8 million. Hudson would lose about \$32 million and TAPE INAUDIBLE for a tax revenue loss of about \$117,000 dollars. These losses are just in the first year. Now if the bill is changed to a study committee, we find that there is still a problem, because New Hampshire's courts have upheld the various methods of appraisal used by the communities as legal and appropriate. Further, in order to qualify for an abatement in these utility cases and in other tax appeals, TAPE INAUDIBLE. The utility companies which have appealed local assessment, have never successfully shown that relying on the reproduction cost method of appraisal results in disproportionate taxation. Now if we don't declare this inexpedient to legislate, I am afraid that we are going to send the wrong signals to the courts. Creating a study committee in my view, sends that message that the legislature disagrees with the courts, and that the community assessments should not be upheld. For that reason, I ask that you kill this bill. I ask that you let me substitute an inexpedient to legislate motion, and that we pass that motion.

Amendment fails.

Senator J. King moved to have **SB 666-LOCAL**, an act relative to the appraisal of the operating property of public utilities for purposes of property taxation, laid on the table.

Question is on the motion to table.

Division vote requested.

Manifestly affirmative.

Motion to table fails.

Senator Lamirande in opposition to the motion to table.

Question is on ought to pass.

Motion of ought to pass fails.

Senator Lovejoy moved inexpedient to legislate.

Adopted.

SB 666 is inexpedient to legislate.

SB 671-FN-A, an act negating the repeal of tax credits against the business profits tax and the investment tax credit. Ways and Means Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

RECONSIDERATION

Senator Baldizar moved reconsideration on **SB 678**, an act establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means, whereby we ordered it to third reading.

Adopted.

SB 678, an act establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means.

Senator Baldizar offered a floor amendment.

5039B

Amendment to SB 678

Amend the bill by deleting paragraph III of section 2 of the bill.

AMENDED ANALYSIS

This bill establishes a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means.

SENATOR BALDIZAR: TAPE INAUDIBLE of the effective date will be deleted. That is all that the amendment does. The lines are, "toll rates and discount toll rates shall remain at the rate TAPE INAUDIBLE. I am offering an amendment that deletes that language because there certainly is some concern that by leaving that language in would TAPE INAUDIBLE. Please support this amendment. Thank you.

Floor amendment adopted.

Ordered to third reading.

ANNOUNCEMENTS

RESOLUTION

Senator Delahunty moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

Senator Delahunty moved that the Senate be in recess until Tuesday, February 15, 1994 at 1:00 p.m. for the sole purpose of introducing legislation, referring bills to committee, and scheduling hearings.

Adopted.

LATE SESSION

Third Reading and Final Passage

SB 144, an act relative to the legacies and successions tax on property jointly owned.

SB 225, an act relative to shoreland protection.

SB 501-FN-A, an act relative to the business transition credit with respect to the business enterprise tax.

SB 510, an act eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops.

SB 517, an act making it a crime to obstruct the reporting of a crime or a bodily injury.

SB 532, an act relative to jewelers' liens.

SB 554, an act relative to insurance information and privacy protection.

SB 555, an act relative to health insurance which covers family members and making technical corrections to the insurance laws.

SB 558, an act relative to imposing late payment fees on retail credit customers.

SB 599, establishing a board of ophthalmic dispensing, and relative to the board's fees.

SB 604-FN, an act relative to the Medicaid look-back provisions for applicants for public or medical assistance.

SB 620-LOCAL, an act standardizing the form used for abatement applications to municipalities.

HB 624, an act creating a unit within the department of environmental services to certify certain scientists.

SB 637, relative to a pilot program concerning the use of deicing alternatives and making an appropriation therefor.

SB 642-FN, an act relative to drug-free school zones and creating a special fund for providing and replacing zone signs.

SB 649, an act relative to workers' compensation insurance disclosure.

SB 668-FN-LOCAL, an act abolishing the New Hampshire retirement system special reserve account.

SB 678, an act establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means.

SB 684, limiting fees charged by companies and lenders for checks drawn on insufficient funds.

SB 709-FN, an act relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan.

SB 717, relative to residency forms and automobile insurance.

SB 722, an act relative to petitions for declaratory judgments to determine insurance coverage.

SB 745-FN, an act relative to the maintenance of vegetation obstructing advertising devices.

SB 749-FN, an act relative to the workers' personal care assistance program.

SB 752, relative to signage on highways and signage fees and continually appropriating a special fund.

Recess.

Out of Recess.

INTRODUCTION OF HOUSE BILLS

Senator Delahunty offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House bills numbered 123 - HCR 20 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated Committees.

Adopted.

First and Second Reading and Referral

HB 123, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values. Transportation committee.

HB 127-FN, relative to private lease of state railroad real estate. Transportation Committee.

HB 134, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and repealing the law governing the sale of wood. Environment Committee.

- HB 161-FN-A**, increasing the membership of the adult parole board. Executive Departments and Administration Committee.
- HB 178-FN**, relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators. Executive Departments and Administration Committee.
- HB 190-FN**, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments. Transportation Committee.
- HB 195-FN**, relative to the sale of cider. Public Affairs committee.
- HB 210**, limiting the use of off highway recreational vehicles near occupied residences. Wildlife and Recreation Committee.
- HB 239-LOCAL**, granting municipalities an option for quarterly billing and collection of property taxes. Public Affairs Committee.
- HB 257-FN**, establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys. Transportation Committee.
- HB 267**, correcting a reference in the stalking law. Judiciary Committee.
- HB 279**, prohibiting certain household cleansing products containing phosphates. Environment Committee.
- HB 308**, establishing a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU. Education Committee.
- HB 317**, establishing a grant program for closure of unlined solid waste landfills. Environment Committee.
- HB 325**, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates. Public Affairs Committee.
- HB 370**, establishing a local government advisory committee. Executive Departments and Administration Committee.
- HB 387**, relative to the use of gender neutral language in New Hampshire. Executive Departments and Administration Committee.
- HB 388**, relative to disclosures by the seller of real property. Executive Departments and Administration Committee.
- HB 389**, relative to the disclosure of certain historical information regarding property. Executive Departments and Administration Committee.
- HB 404**, relative to the prohibited coercion of employees to make political contributions. Judiciary Committee.
- HB 410-LOCAL**, relative to the appointment of a deputy town treasurer and the swearing in of town officers. Executive Departments and Administration Committee.
- HB 411-FN-LOCAL**, relative to the hours of polling in cities and towns. Executive Departments and Administration Committee.
- HB 414-FN-LOCAL**, providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system. Insurance Committee.

- HB 438-FN**, requiring criminal history record checks for sales of handguns by dealers using a toll-free telephone number. Judiciary Committee.
- HB 439**, relative to the profession of engineering. Executive Departments and Administration Committee.
- HB 449**, relative to listing candidates on general election ballots. Public Affairs Committee.
- HB 451-FN**, regulating naturopathic health care practice. Public Institutions, Health and Human Services Committee.
- HB 458-FN-LOCAL**, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause. Public Institutions, Health and Human Services Committee.
- HB 459-FN-A**, establishing a program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. Public Institutions, Health and Human Services Committee.
- HB 576-FN-A**, relative to the taxation of meals. Ways and Means Committee.
- HB 583**, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors. Insurance Committee.
- HB 599-FN-LOCAL**, establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment. Education Committee.
- HB 610-FN**, requiring joint registration for primary craft and their tender. Wildlife and Recreation Committee.
- HB 628-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons. Transportation Committee.
- HB 630-FN**, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers. Public Affairs Committee.
- HB 634**, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists. Public Affairs Committee.
- HB 652-FN**, relative to state fee reform. Ways and Means Committee.
- HB 660-FN**, relative to drug forfeiture. Judiciary Committee.
- HB 661-FN-A**, relative to the highway and bridge betterment program. Transportation Committee.
- HB 677**, relative to the term of office for certain commissioners, deputy commissioners, and assistant commissioners of state departments. Executive Departments and Administration Committee.
- HB 686**, relative to legislative review of proposed administrative rules. Executive Departments and Administration Committee.
- HB 1101**, relative to the collection of protested checks by the department of safety. Executive Departments and Administration Committee.
- HB 1103**, redefining the term "camp" for boys and girls. Wildlife and Recreation Committee.

HB 1109, relative to dual enrollment. Education Committee.

HB 1112, permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials. Wildlife and Recreation Committee.

HB 1113, relative to claims filed under RSA 541-B against both the state and an agent of the state. Judiciary Committee.

HB 1114, relative to child support enforcement orders. Judiciary Committee.

HB 1116, relative to the release of health care data. Public Institutions, Health and Human Services Committee.

HB 1118, eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glenclyff home for the elderly be determined in accordance with the Administrative procedure act. Public Institutions, Health and Human Services Committee.

HB 1119, authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus. Public Institutions, Health and Human Services Committee.

HB 1120-LOCAL, making procedural and housekeeping changes regarding the board of tax and land appeals. Executive Departments and Administration Committee.

HB 1133, allowing organization members' spouses to assist at bingo games. Executive Departments and Administration Committee.

HB 1136, repealing the requirement that hunters expose the carcass of deer. Wildlife and Recreation Committee.

HB 1141-FN-A, eliminating cigarette stamps. Ways and Means Committee.

HB 1144-FN, permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee. Wildlife and Recreation Committee.

HB 1147-FN, relative to parental liability for support of dependent children on public assistance. Judiciary Committee.

HB 1151, prohibiting the use of certain motorized craft on Spoonwood Pond in the town of Nelson. Environment Committee.

HB 1153-FN, adopting the revised Uniform Enforcement of Foreign Judgments Act. Judiciary Committee.

HB 1157, extending the time for a motion for rehearing under RSA 541. Judiciary Committee.

HB 1158, relative to the state's policy regarding the review and assessment of new health services. Insurance Committee.

HB 1164, requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody. Judiciary Committee.

HB 1175, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. Judiciary Committee.

HB 1176-FN, requiring a writ of habeas corpus to be filed in the superior court of the county in which the person is incarcerated. Judiciary Committee.

HB 1179, relative to the information required in agency requests for appropriations during the budget preparation process. Finance Executive Committee.

HB 1188, increasing the penalty for killing a police dog or police horse. Judiciary Committee.

HB 1190, authorizing the state to notify the victim of a sexual assault of the perpetrator's test results for HIV virus. Public Institutions, Health and Human Services Committee.

HB 1193, amending the charter of St. Mary's Bank. Banks Committee.

HB 1203-FN, making technical amendments to the banking laws. Banks Committee.

HB 1207-FN, relative to the administration of small estates. Banks Committee.

HB 1211, relative to the authority of municipal water departments and to fee charged by such departments. Executive Departments and Administration Committee.

HB 1213-FN-A, appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made. Public Institutions, Health and Human Services Committee.

HB 1217-FN-LOCAL, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges. Transportation Committee.

HB 1248, requiring disclosure that a buyer's premium will be charged at certain auctions in New Hampshire. Executive Departments and Administration Committee.

HB 1251, relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits. Insurance Committee.

HB 1255, making technical amendments to the limited liability company laws. Judiciary Committee.

HB 1256, allowing probate judges to accept other forms of securities in lieu of bonds from administrators of estates. Judiciary Committee.

HB 1268-FN-A-LOCAL, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor. Transportation Committee.

HB 1278-FN-A, making an appropriation to fund the position of state curator. Finance Executive Committee.

HB 1282, allowing coyote hunting at night. Wildlife and Recreation Committee.

HB 1321-FN, relative to liquor licenses for full service restaurants. Ways and Means Committee.

HB 1335-FN, making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees. Judiciary Committee.

HB 1345, relative to payments to the state treasurer. Executive Departments and Administrations Committee.

HB 1364, changing the renewal date for a license to carry a pistol or revolver. Judiciary Committee.

HB 1371, relative to claiming the homestead right in a levy by sale of an execution on real estate. Public Affairs Committee.

HB 1383-LOCAL, relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction. Public Affairs Committee.

HB 1392, making a second or subsequent obscenity violation a class B felony and modifying a definition of sexual conduct. Judiciary Committee.

HB 1399, relative to the road toll on users of special fuel. Transportation Committee.

HB 1413, relative to the report of the public water rights study committee. Environment Committee.

HB 1430, repealing the annual commemorative rifle or shotgun lottery. Wildlife and Recreation Committee.

HB 1438, adopting the striped bass as the state saltwater game fish. Wildlife and Recreation Committee.

HB 1450-LOCAL, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills. Public Affairs Committee.

HB 1463, modifying the definition of angling. Wildlife and Recreation Committee.

HB 1483, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. Public Institutions, Health and Human Services Committee.

HB 1506-FN-LOCAL, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail. Public Affairs Committee.

HB 1516-FN-A, transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefor. Finance Executive Committee.

HB 1529-FN, relative to the apportionment, priority of and limitations on bridge betterment funds. Transportation Committee.

HB 1543-FN-A, relative to interest from youth development center resident trust accounts, allowing the administrator to establish other accounts, and changing the title of the "bureau of secure care" to the "bureau of residential services." Public Institutions, Health and Human Services Committee.

HCR 20, providing that long-term care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives. Public Institutions, Health and Human Services Committee.

LATE SESSION

Senator Delahunty moved to adjourn.

Adopted.

Adjournment.

February 15, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

Since you get lobbied from all directions and since each of you do your share of the same, I am here to remind you in this chamber and you up there in the gallery, especially those seeking to influence opinions down here, that vertical lobbying is as important as horizontal lobbying. So let's get vertical here for a moment and pray: Lord of wisdom, share Your wisdom with us. Lord of values, remind each of us how valuable we are to You. Lord of the lobby, meet us in the hallways of our lives and influence our opinions that they may begin to look just like Yours. Amen

Senator Blaisdell led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

NOTICE OF RECONSIDERATION

Senator McLane moved reconsideration on **SB 666-LOCAL**, an act relative to the appraisal of the operating property of public utilities for purposes of property taxation.

SR 1

Senator Russman moved that the rules of the Senate setting deadlines for final action on Senate Bills be amended to read: **the 10th of March for policy committees and the 17th of March for Finance Executive Committee.**

Senator Russman offered the following amendment to SR 1.

SENATE DEADLINES 1994 SESSION

1994 SESSION

Mon. Sept. 13, 1993	First day for Senators to submit Legislation request with Legislative Services.
*Wed. Nov. 17, 1993	Last day for submitting request with Legislative Services.
Wed. Dec. 15, 1993	Sign-Off - Senate Bills
Wed. Jan. 5, 1994	Introduction of Senate Bills
Tues. Jan. 11, 1994	First Hearings on Senate Bills
Feb. 3-8-10-15-16, 1994	Session Days For Senate Bills.
Tues. Feb. 15, 1994	LAST DAY TO ACT ON RE-REFERRED BILLS
Thurs. Mar. 10, 1994	CROSS-OVER
	Last day to act on Senate Bills in policy committees.
Thurs. Mar. 17, 1994	CROSS-OVER
	Last day to act on Senate Bills in Finance Executive Committee.
February 20-March 1	Winter Break
Tues. March 1, 1994	Hearings begin on House Bills
Thurs. March 10-17-24-31	Session Days

Adopted.

COMMITTEE REPORTS

SB 583, an act establishing a committee to study the feasibility of issuing special license plates to nonprofit organizations and using the proceeds from the fees to benefit nonprofit organizations. Transportation Committee. Ought to pass with amendment. Senator Cohen for the committee.

5057B

Amendment to SB 583

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the feasibility of issuing special license plates to nonprofit conservation organizations and using the proceeds from the fees to benefit nonprofit conservation organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Duties. A committee is hereby established to study the feasibility of issuing special license plates to nonprofit conservation organizations and using the proceeds from the fees to benefit designated nonprofit conservation organizations and the feasibility of issuing a single New Hampshire conservation plate to fund habitat conservation programs.

2 Membership. The committee shall consist of the following members:

I. Two members of the senate appointed by the president of the senate.

II. Two house members, appointed by the speaker of the house.

III. One person from the governor's office appointed by the governor.

IV. The commissioner of safety or designee.

V. Two persons representing nonprofit conservation organizations, appointed by the governor.

3 Chair; Meetings. The first meeting of the committee shall be called by the first-named senator. The chair of the committee shall be chosen by the members at the first meeting.

4 Mileage. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

5 Report. The committee shall report its findings and recommendations, including any proposed legislation, to the president of the senate, the speaker of the house, and the governor on or before November 1, 1994.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of issuing special license plates to nonprofit conservation organizations and using the proceeds from the plate fees to benefit designated nonprofit conservation organizations.

SENATOR COHEN: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 589, an act relative to the powers of fiduciaries in environmental matters. Environment Committee. Ought to pass with amendment. Senator Lamirande for the committee.

5146B

Amendment to SB 589

Amend RSA 564-B:2-4 as inserted by section 1 of the bill by replacing them with the following:

564-B:2 Powers. Unless expressly limited by the instrument, judgment, decree or order establishing the fiduciary relationship, a fiduciary shall have, in its discretion, the following powers, provided, however, such powers may be exercised only if the fiduciary discloses in writing to the person or persons to whom the fiduciary sends communications or statements relating to the property held in a fiduciary capacity the fiduciary's intent to exercise the authority granted in this section prior to the first exercise of such authority:

I. To inspect and monitor real and personal property to which the fiduciary takes legal title (including, without limitation, interests in sole proprietorships, partnerships, or corporations and any assets owned by such business enterprises) or over which a fiduciary may exercise control, for the purposes of determining compliance with environmental laws affecting such property, and to respond to actual or threatened violations of any environmental laws affecting such property held or controlled by the fiduciary.

II. To take, on behalf of an estate, person or business, any action necessary to prevent, abate, or otherwise remedy any actual or threatened release of hazardous substances or violation of any environmental laws affecting real or personal property held or controlled by the fiduciary, either before or after the initiation of an enforcement action by any government body.

III. To refuse to accept a real or personal property in trust if:

(a) Such property either is or may be contaminated by any hazardous substances, or such property is being used or has been used for any activities directly or indirectly involving hazardous substances, which could impair the value of the assets therein held or controlled; or

(b) Such property may be in violation of any environmental laws.

IV. To settle or compromise, at any time, any and all claims against the estate, trust, person or business which may be asserted by any governmental body or private body, involving the alleged release or threatened release of hazardous substances and the alleged violation of any environmental laws affecting real or personal property held by the estate or trust or owned by the person or business.

V. To release or disclaim at any time or times any power granted by any document or any statute or rule of law which, in the sole discretion of the fiduciary, may expose the fiduciary to liability in the fiduciary's individual capacity under the environmental laws or impair the value of the assets retained or controlled by the fiduciary.

564-B:3 Costs. A fiduciary may charge the reasonable cost of any abatement, cleanup, inspection, assessment, insurance, database review, monitoring costs or any other response or remedial action, as authorized under this chapter, against the income or principal for the estate, trust, personal estate or business assets and shall not be personally responsible therefor.

564-B:4 Liability. Nothing in this chapter shall require a fiduciary to take any action to comply with any environmental laws, including without limitation any reporting requirement under such laws, affecting property held in a fiduciary capacity. A fiduciary shall not be liable in the fiduciary's individual capacity to any beneficiary or other party for failure to so act nor shall a fiduciary be liable in the fiduciary's individual capacity to any beneficiary or any other party for any decrease in value or exhaustion of assets by reason of the fiduciary's reasonable compliance with any environ-

mental laws, including without limitation any reporting requirement under such laws. Nothing in this chapter shall alter or affect a fiduciary's liability or obligations as otherwise established by environmental laws.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

SENATOR LAMIRANDE: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 591, an act relative to the aerial application of pesticides in residential neighborhoods and rural communities. Environment Committee. Ought to pass with amendment. Senator Lamirande for the committee.

5147B

Amendment to SB 591

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the aerial application of pesticides.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition; Abutter. Amend RSA 430:29 by inserting after paragraph I the following new paragraph:

I-a. "Abutter" means the owner of a dwelling or of property adjacent to or contiguous with or directly across the road from the boundary line of the property containing the treatment area, or the owner of a shoreline within 200 feet of the treatment area.

2 Removing Certain Restrictions. Amend RSA 430:31, IV(g) to read as follows:

(g) Conditions and procedures under which a public hearing shall be held prior to consideration of a request for a special permit for the aerial application of pesticides [in residential neighborhoods].

3 New Section; Notification Procedure. Amend RSA 430 by inserting after section 34 the following new section:

430:34-a Notification of Procedure.

I. Applicants for the aerial application of pesticides shall directly notify each abutter and shall publish notice in a newspaper of general circulation, in the area affected, of the pending application indicating that those wishing to submit comments on the application may contact the division and may request a public hearing. The fact that such notice is provided shall be certified to in the application to apply aerial pesticides.

II. A public hearing shall be scheduled if a written request is made to the division by any person directly affected by the proposed application within 15 days after the receipt by the division of certification that proper notification has been given to abutters and through newspaper publication.

III. Upon request for a public hearing, the division shall:

(a) Schedule a hearing.

(b) Notify the applicant of the date of the hearing.

(c) Publish notice of the hearing in a newspaper of general circulation in the area affected at least 14 days prior to the date of the hearing. Notice shall be published in any other trade, industry, professional, or interest group publication that the division deems necessary to notify persons affected.

(d) Instruct the applicant to provide notice of the hearing at least 14 days prior to the hearing date, by registered mail, to all persons owning property abutting the area to be treated.

IV.(a) Once a special permit is issued, the recipient shall provide notice of treatment, by registered mail, to all owners of property abutting the area to be treated, all persons utilizing area waters for domestic purposes, and all local public health officials. The notice shall provide a sufficient period of time in advance of treatment to allow abutters to plan for such treatment, and shall contain all the warnings on the label of the product to be applied, and shall require that the return receipts shall be forwarded to the division to verify compliance.

(b) The recipient shall publish notice of the treatment date in at least one newspaper of general circulation in the area to be treated at least once per week for 2 weeks preceeding the treatment date to allow the general public knowledge of the treatment.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes notification and hearing procedures for aerial pesticide application.

SENATOR LAMIRANDE: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 655-FN-A, an act relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor. Environment Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: TAPE INAUDIBLE.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 708-FN, an act requiring the department of fish and game to permit aquaculture of oysters in the Piscataqua River. Environment Committee. Ought to pass with amendment. Senator MacDonald for the committee.

5048B

Amendment to SB 708-FN

Amend the title of the bill by replacing it with the following:

AN ACT

permitting the aquaculture of oysters.

Amend the bill by replacing all after the enacting clause with the following:

1 Taking of Oysters Permitted. Amend RSA 211:53 to read as follows:
211:53 Sale Prohibited. No person shall at any time sell or take for sale oysters from the waters under the jurisdiction of the state *except as provided for in RSA 211:62-e*.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill permits the aquaculture of oysters.

SENATOR MACDONALD: TAPE INAUDIBLE.

Amendment adopted.

Senator Currier offered a floor amendment.

5196B

Floor Amendment to SB 708-FN

Amend the title of the bill by replacing it with the following:

AN ACT

permitting the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Live Bait Fishing in Lake Sunapee Permitted. Amend RSA211 by inserting after section 16-b the following new section:

211:16-c Live Bait Fishing in Lake Sunapee Permitted. The taking of fish by live bait from Lake Sunapee is hereby permitted.

2 Taking of Oysters Permitted. Amend RSA 211:53 to read as follows:

211:53 Sale Prohibited. No person shall at any time sell or take for sale oysters from the waters under the jurisdiction of the state *except as provided for in RSA 211:62-e*.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill permits the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee.

SENATOR CURRIER: TAPE INAUDIBLE.

Floor amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 720, an act requiring the advisory committee on shore fisheries to assume responsibility for developing shellfish management strategies. Environment Committee. Inexpedient to legislate. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: TAPE INAUDIBLE.

Committee report of inexpedient to legislate is adopted.

SB 755-FN-A, an act allowing a business profits tax credit for alternative fuel vehicles. Environment Committee. Ought to pass with amendment. Senator Russman for the committee.

5144B

Amendment to SB 755-FN-A

Amend the bill by replacing section 3 with the following:

3 Data Compilation. Any business organization claiming a credit under the provisions of RSA 77-A:5, XI-XIII shall provide to the department of environmental services, air resources division, technical services bureau, the number of alternative fuel vehicles purchased, the number of existing vehicles converted to operate on alternative fuels or the location of any alternative fuel fill station, as the case may be, upon forms provided by the commissioner and subject to rules adopted by the commissioner of the department of environmental services pursuant to RSA541-A. The commissioner shall adopt such forms and rules within 30 days of the effective date of this act.

SENATOR RUSSMAN: TAPE INAUDIBLE.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 786-FN-LOCAL, an act allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire. Environment Committee. Ought to pass with amendment. Senator Russman for the committee.

5066B

Amendment to SB 786-FN-LOCAL

Amend the bill by replacing all after section 2 with the following:
3 Prohibited Conduct. Amend RSA 357-C:3, I-a to read as follows:

I-a. Person not a new motor vehicle dealer to represent that he is a new motor vehicle dealer, *to advertise a vehicle for sale as a new motor vehicle, or to sell a vehicle as a new motor vehicle*;

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill allows the sale of new motor vehicles manufactured to the emissions standards required by the California air resources board.

Currently, these motor vehicles are not available for sale in New Hampshire because it is prohibited by a policy of the United States Environmental Protection Agency.

This bill also makes it an unfair trade practice for a person who is not a new motor vehicle dealer to advertise a vehicle for sale as a new motor vehicle, or to sell a vehicle as a new motor vehicle.

SENATOR RUSSMAN: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 788-FN-LOCAL, an act relative to alternative fuel motor vehicles. Environment Committee. Ought to pass with amendment. Senator Lamirande for the committee.

5056B

Amendment to SB 788-FN-LOCAL

Amend RSA 125-K:1, I as inserted by section 2 of the bill by replacing it with the following:

I. "Alternative fuel" means the following fuels if vehicles operated on such fuels meet ILEV standards or transitional ILEV standards until the year 2000: methanol, denatured ethanol, and other alcohols; mixtures containing 70 percent or more by volume of methanol, ethanol, or other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas (LPG or propane); hydrogen; coal-derived liquid fuels; fuels derived from biological materials; and electricity.

Amend RSA 125-K:1, III and IV as inserted by section 2 of the bill by replacing them with the following:

III. "Conversion vehicle" means a vehicle originally designed and intended to operate on either gasoline or diesel fuel that has been converted to operate on an alternative fuel.

IV. "Covered fleet" means:

- (a) A municipal or private fleet of 50 or more vehicles;
- (b) The New Hampshire portion of all federal fleets;
- (c) The state fleet; or
- (d) A utility or fuel supplier fleet of 10 or more vehicles.

Amend RSA 125-K:1, XII as inserted by section 2 of the bill by replacing it with the following:

XII. "Inherently low emission vehicle" or "ILEV" means a vehicle meeting the EPA standard specified in 40 CFR Part 88, or, until model year 2000, a transitional ILEV.

Amend RSA 125-K:1, XVIII as inserted by section 2 of the bill by replacing it with the following:

XVIII. "Transitional ILEV" means a bi-fuel, dual fuel, or flexible fuel vehicle, or a conversion vehicle operated on a dedicated alternative fuel.

XIX. "Utility fleet" means a fleet owned, operated, leased, or controlled by a company, the business of which is selling, distributing, or manufacturing an alternative fuel.

Amend RSA 125-K:2, I as inserted by section 2 of the bill by replacing it with the following:

I. A fleet operator of a covered fleet shall, when purchasing vehicles, purchase ILEVs based upon the following percentages:

	Light Duty Vehicles (8,500 or less GVWR)	Heavy Duty Vehicles (8,501 - 26,000 GVWR)
Utilities		
1996	30 percent	
1997	50	50
1998	70	50 percent
1999	90	50
2000	90	50
Federal		
1994	25 percent	25 percent
1995	25	25
1996	50	50
1997	66	66
1998	75	75
1999	90	90
2000	90	90
State		
1996	10 percent	
1997	15	
1998	25	50 percent
1999	50	50
2000	75	50
Municipal and Private Fleets		
1998	30 percent	50 percent
1999	50	50
2000	70	50
2001	70	50
2002	70	50
2003	70	50
2004	70	50
2005	70	50
2006	70	50

Amend RSA 125-K:6, I as inserted by section 2 of the bill by replacing it with the following:

I. Standards for ILEVs and transitional ILEVs consistent with federal requirements. Standards shall provide for bi-fuel, alternative fuel, and conversion vehicles until model year 2000.

SENATOR LAMIRANDE: TAPE INAUDIBLE.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 797, an act requiring the judiciary to purchase recycled paper products and repealing the ability of state agencies to be exempt from the purchase of recycled paper products. Environment Committee. Ought to pass with amendment. Senator Russman for the committee.

5082B

Amendment to SB 797

Amend the title of the bill by replacing it with the following:

AN ACT

repealing the ability of state agencies to be exempt from the purchase of recycled paper products.

Amend the bill by deleting sections 2 and 3 and renumbering section 4 to read as 2.

AMENDED ANALYSIS

This bill repeals the ability of state agencies to be exempt from the purchase of recycled paper products.

SENATOR RUSSMAN: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 712, an act prohibiting the healthy kids corporation insurance plan from funding abortions. Insurance Committee. Inexpedient to legislate. Senator Shaheen for the committee.

SENATOR SHAHEEN: The committee voted inexpedient to legislate on SB 712, which is an attempt to prohibit the Healthy Kids Corporation Insurance Plan from funding abortions. The committee heard testimony, and saw rulings from the Attorney General, that in fact, the Healthy Kids Corporation is a private corporation; and therefore, it would not be subject to the state making this kind of a decision that would be unconstitutional. Therefore, the committee felt it should be inexpedient.

Senator Hollingworth moved to have **SB 712**, an act prohibiting the healthy kids corporation insurance plan from funding abortions, laid on the table.

Question is on the motion to table.

A roll call was requested by Senator Wheeler.

Seconded by Senator Cohen.

The following Senators voted Yes: Lamirande, W. King, Fraser, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Russman, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, Delahunty.

Yeas: 15 - Nays: 8

Motion to table is adopted.

LAID ON THE TABLE

SB 712, an act prohibiting the healthy kids corporation insurance plan from funding abortions.

SB 776, an act creating a committee to determine the total cost to the state for health care for its citizens. Insurance Committee. Inexpedient to legislate. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: The Insurance Committee would like to ask for your support on inexpedient to legislate on SB 776. The subject matter will be covered under upcoming legislation.

Committee report of inexpedient to legislate is adopted.

SB 778, an act establishing a committee to determine whether resources are available in the university system of New Hampshire which could be used towards a goal of universal health care in New Hampshire. Insurance Committee. Inexpedient to legislate. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 782-FN, an act relative to workplace safety under the workers' compensation law. Insurance Committee. Inexpedient to legislate. Senator MacDonald for the committee.

SENATOR MACDONALD: This is a real long one, Mr. President. The sponsor asked to have it withdrawn.

SENATOR COLANTUONO: Is the subject matter of this bill covered in the legislation that we already passed concerning Workers' Compensation Reform?

SENATOR MACDONALD: That is right.

Committee report of inexpedient to legislate is adopted.

SB 509, an act increasing the penalties for DWI convictions. Judiciary Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: Mr. President, SB 509 increases the penalties for DWI convictions. It is already covered in another bill, which is SB 608. The bill is no longer needed. The committee recommends inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 559, an act relative to international adoptions. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: Mr. President and Senators. SB 599 makes it easier for New Hampshire families to adopt children in foreign countries. Under current law, governing adoptions, a probate judge must determine that the child being adopted is legally free for adoption under the laws of the child's country of origin. This is often difficult because documents from a foreign country are generally unfamiliar and hard to interpret for New Hampshire judges. It is also a necessary step because the U.S. Government, in fact, is very careful to ensure that no child enters this country for adoption until the parents rights have been fairly and appropriately dealt with. SB 559 would allow the Probate Court by rule of the Court, to specify those forms that are acceptable for this purpose. The reason for doing it, is that forms may change over time and it would be more efficient to allow the court to

keep up with these changes. New Hampshire families would find it much easier to have an official english document that they could use to enroll their child in school, for health insurance purposes, and little league. Courts are indeed ratifying these adoptions, and this gives them specific and standardized authority for it. The committee recommends ought to pass.

Adopted.

Ordered to third reading.

SB 562, an act relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5095B

Amendment to SB 562

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study laws relative to the acquisition, ownership, possession, and use of firearms

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to examine all statutes, rules, and local ordinances relative to the acquisition, ownership, possession, and use of firearms and to make recommendations as may be necessary to protect the rights of gun owners and to ensure the safety of the public.

2 Membership. The committee shall consist of the following members:

I. The chairperson of the house judiciary committee.

II. The chairperson of the senate judiciary committee.

III. Two senators, appointed by the president of the senate.

IV. Two representatives, appointed by the speaker of the house.

V. The attorney general, or designee.

VI. The president and the immediate past president of the New Hampshire Police Chiefs Association.

VII. The commander of the New Hampshire State Police, or designee.

VIII. A superior court judge, appointed by the chief justice of the supreme court.

IX. A county attorney, appointed by the New Hampshire Association of Counties.

X. The president of Gun Owners of New Hampshire.

XI. The president of the National Rifle Association, New Hampshire office.

XII. The executive director of the department of fish and game, or designee.

XIII. A licensed firearms dealer, or designee.

3 Meetings. The first meeting shall be called by the chairperson of the Senate Judiciary Committee.

4 Mileage. Legislative members of the committee shall receive mileage.

5 Report. The committee shall submit a report including recommendations for legislation to the speaker of the house, senate president and governor no later than November 1, 1994.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study laws relative to the acquisition, ownership, possession, and use of firearms.

SENATOR HOLLINGWORTH: The committee on Judiciary moves ought to pass with amendment on SB 562. Every year bills are filed to expand or to clarify the rights to bear arms. And every year we hear from those supporting those bills that the statutes governing the rights to keep and bear arms are unnecessary and restrictive. Such was the case in two of the bills in the Judiciary Committee this year, SB 562 and SB 577. At the same time, there is a growing anxiety about crime which is promoting more and more people to acquire firearms for self-defense. There is a growing concern about the numbers of death and injuries from gun fire. We did not want to open a debate, but we would like to stress that there needs to be a distinguishing between crime and violence. In the 1980's there were 233 homicides in New Hampshire. I would like you to note that 32 of those were killings, 15 percent, were committed in a course of a crime; twice as many killings, 62, rose from domestic disputes. Nine out of ten shootings, the assailant and the victim were known to each other. In light of this kind of evidence, the committee believes that we must weigh every aspect of this issue with great care. Rather than to approach the issue piecemeal, one bill at a time, the committee thinks that the time has come to take a close and thorough look at the laws and the rules, including local ordinances which govern the acquisition, ownership, possession, and the use of firearms. We have put together a committee representing all of the different interests which would have the expertise necessary to review our statutes and rules, and make recommendations for appropriate revisions. We would like to offer the motion of ought to pass with amendment. You will see the amendment on page nine. The committee shall consist of the following members: the chairperson of the House Judiciary Committee, the chairperson of the Senate Judiciary Committee, two senators, appointed by the president of the Senate, two representatives, appointed by the speaker of the House, the Attorney General, or designee, the president and the immediate past president of the New Hampshire Police Chiefs Association, the commander of the New Hampshire State Police, or designee, a superior court judge, appointed by the chief justice of the Supreme Court. A county attorney, appointed by the New Hampshire Association of Counties, the president of Gun Owners of New Hampshire, the president of the National Rifle Association, New Hampshire office, the executive director of the Department of Fish and Game, or designee, a licensed firearms dealer, or designee. We would hope that you would agree that this needs full study. Thank you.

SENATOR BARNES: Senator Hollingworth, you mentioned the committee. Could you tell this group what the vote in committee was?

SENATOR HOLLINGWORTH: The vote was four to one.

SENATOR BARNES: Thank you.

SENATOR LOVEJOY: I rise to speak against the amendment, and urge your vote against the amendment for the following reasons: when this bill was presented, it was a completely different bill. We didn't propose a bill that would study Americans' rights to bear arms, our second amendment rights. We proposed a bill that would make self-defense as a proper purpose for the issuance of a license to carry a pistol or a revolver, as is now done throughout our state. The reason that this bill was proposed in the first place, is that in some isolated cases in the state, some police chiefs asked, "why is it that you want this permit?," and then he writes down target practice or whatever use. Most of the police chiefs don't ask that question. Either you are permitted to carry a revolver or you're not. And that is a whole different set of rules. In our society, as you pointed out, Senator Hollingworth more and more ladies especially, more and more of

New Hampshire's residents, but ladies especially, find it necessary to carry a weapon. They need that for protection. This has been proven to us over and over again. If we are going to study their rights, their American rights, guaranteed under the second amendment of our constitution, to bear arms under the proper method, then the study committee, I think, in this Senate, should reexamine where we stand on this issue. We need to allow the proper issuance of firearms. We do that. This merely corrects an error that we find in some communities in the state. Now let me say that this amendment calling for a committee to study our second amendment rights of New Hampshire citizens to bear arms, this calls for the protection of the rights of gun owners, yes, but what about the rest of the Americans who are living in New Hampshire? We don't need a committee established by legislation to study these rights that are already ours. What we need to do is to guarantee that women and men have the right to protection. The basic American right to carry a firearm. I urge that we vote against this amendment; and that we support the original intent of this bill, and that is to allow people the self protection that is already theirs. Thank you.

SENATOR HOLLINGWORTH: Senator Lovejoy, would you be surprised that when we inquired of the police chiefs, that I did not hear from one that said that they denied the right to carry a gun. Although we did hear testimony that there were some that did, as I think you just said, rightly so. But for the most part, that is not the case. So what we have done here, if you look at the amendment, it says, "and to make recommendations as may be necessary to protect the rights of gun owners and to ensure the safety of the public." So it is doing exactly what you want. And that is to make sure that if you are being denied your right as a gun owner, then that will be under study as well as the right to protect the citizens, isn't that true?

SENATOR LOVEJOY: I certainly would believe it if you told me that, Senator Hollingworth. I would answer that we already have that right, guaranteed by the U.S. constitution. We don't need a study committee.

SENATOR SHAHEEN: I received a call about a week ago from a woman on behalf of Judy Lyczak the woman whose husband was killed in Portsmouth by a random act of violence, because somebody who was underage, and without a permit, had access to a handgun. She was calling me because Mrs. Lyczak was interested in getting involved to do what she could to try and help promote public safety and to protect people from these kinds of random acts of violence. I was very pleased that I could tell her that the Senate was working on an amendment to look at this whole issue. I urged that she get involved with this committee. I would urge the Senate to support this amendment. I think that it does exactly what Senator Hollingworth said that it does. It looks at the issue of protecting the rights of those people who have legitimate needs for firearms; and at the same time, what we need to do to ensure public safety. Because it is a very real issue. Especially in view of what just happened over the weekend in Walpole. I mean, we have to do something to address the violence in our society.

SENATOR PODLES: Senator Hollingworth, would you believe that the vote in committee was three to two?

SENATOR HOLLINGWORTH: I wrote down on the bill four to one.

SENATOR PODLES: It was three to two.

SENATOR HOLLINGWORTH: I am sure, Senator Podles, that at the time you did vote. Because you voted for the study and the inexpedient on the first bill. And I think that the record would indicate that so.

SENATOR PODLES: I wrote it down, Senator.

SENATOR HOLLINGWORTH: So did I.

SENATOR COHEN: I, too, recently spoke with Mrs. Lyczak and her son, Nathan, in Portsmouth. And I would hope that every member of the Senate and the House would have a chance to meet with these people who just went through the unspeakable horror of a crime without any sense at all. A random, drive by shooting. I discussed these bills with them, the content of these bills. And I must say that especially SB 577, was horrifying to them as it is to me. This is moving in the opposite direction from the way that we need to go. We need to say that enough is enough. Granting licenses for life is exactly the opposite direction in which we need to go. The study committee is a conservative approach. It recognizes that we need to ensure the safety of the public. We included the police. We are not including any gun controll groups on this. I wish that they were included on this. The police know the dangers to the public, and we need to include this important consideration. Especially in regard to the violence that has gotten way out of control in this country.

SENATOR BARNES: Senator Cohen, are you speaking on SB 577 or SB 562 or both of them?

SENATOR COHEN: I was talking to both of them.

SENATOR BARNES: Senator Cohen, do you honestly believe that if we had these two bills in place, that that drive by shooting by that individual wouldn't have happened?

SENATOR COHEN: I think that this would make it worse. It would increase the likelihood of drive by shootings. We need stronger laws in this state, not weaker ones.

SENATOR BARNES: I don't disagree with you, but I don't think that this would take care of the situation.

SENATOR COHEN: Well, I think that it would address the proper perspective and make a much better bill.

SENATOR WHEELER: Senator Cohen, the bill talks about being able to have a firearm for self-defense. I don't understand the connection to, acquisition, ownership, and possession. Are you saying that these people who want a firearm for self-defense, should not own or should not be able to acquire a gun?

SENATOR COHEN: Senator Wheeler, my understanding is that the constitution speaks to a lot of those questions and this isn't necessary with that. What I was speaking to directly, is SB 577 which is being folded into this study committee.

SENATOR WHEELER: I rise in strong opposition to the floor amendment that we have before us, and I ask my colleagues to vote this down and to support Senator Lovejoy's original bill, to allow people to carry a firearm for self-defense. I also want to go on record and to let you know that the NRA is strongly supporting many crime prevention and education measures. They have their Eddy Eagle program for school age children that they are actively pushing in schools across the country. And they are solidly behind the Three Strikes You Are Out program. But this study committee goes far beyond the original intent of the bill, studying the acquisition of firearms, whether people should have them or not, and whether people should own them or not, and whether they should possess them or not. This amendment is seriously out of order. I ask that you vote it down.

SENATOR BLAISDELL: Mr. President and members of the Senate, I rise in support of the amendment as offered by the committee. I would remind everybody that I was in the sporting goods business for 43 years. It doesn't make any difference how I am going to vote on this bill because TAPE INAUDIBLE so it doesn't make any difference. But in all of the years that I have been in this Senate I don't understand why it is so bad to have people sit down and talk. I have talked to the gun owners this year that have been before the Wildlife Committee and other members. My son Michael who is the Chairman of the Fish and Game Commission of the state of New Hampshire, avid sportsman and gunman, and the best target skeet shooter in the country. I advocated the possession of firearms, and I have never gone against it. I am a strong supporter. But I can't believe that we can sit in this Senate and not say that we can all sit down together, the police chiefs, and the gun owners of New Hampshire, and other people, and try to solve a very, very, serious problem that is facing this country. We don't want to take anyone's rights away from anybody. Senator Lovejoy, I disagree with your bill. By the way, you said that, "we don't need the amendment," well why the hell do we need the bill? Let's throw it all away. Let's put it that way?

Recess.

Out of recess.

Question is on the committee amendment.

A roll call was requested by Senator Wheeler.

Seconded by Senator Blaisdell.

The following Senators voted Yes: Lamirande, W. King, Disnard, Blaisdell, Baldizar, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Currier, Roberge, Wheeler, Pignatelli, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 11 - Nays: 12

Committee amendment fails.

Question is on ordering to third reading.

Senator Wheeler requested a roll call.

Seconded by Senator Blaisdell.

The following Senators voted Yes: Lamirande, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Wheeler, Pignatelli, Colantuono, Podles, Barnes, Russman, Delahunty.

The following Senators voted No: W. King, Blaisdell, Baldizar, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

Yeas: 14 - Nays: 9

Motion of ordering to third reading is adopted.

Senator Wheeler in opposition to committee amendment.

Recess.

Out of recess.

SB 577-FN-LOCAL, an act relative to licenses to carry loaded pistols and revolvers. Judiciary Committee. Inexpedient to legislate. Senator Hollingworth for the committee.

Senator Colantuono moved to have **SB 577-FN-LOCAL**, an act relative to licenses to carry loaded pistols and revolvers, laid on the table.

Question is on the motion to table.

A roll call was requested by Senator Shaheen.

Senator Shaheen withdrew the roll call motion.

Senator Colantuono withdrew the motion to table.

Senator Colantuono moved to have **SB 577-FN-LOCAL**, an act relative to licenses to carry loaded pistols and revolvers, made a Special Order for February 16, 1994 at 1:00 p.m.

A division vote was requested.

Yeas: 11 - Nays: 12

Special Order motion fails.

Question is on the committee report of inexpedient to legislate.

SENATOR W. KING: As many of you know, I am often on this floor voting for the rights of those people in the state of New Hampshire who choose to bear arms to do so. That has been very important to me. But we have an epidemic of violence in this country, that I think, has to cause all of us to take a very serious look at this problem. Now I am sorry that we didn't succeed the last time around with the Hollingworth amendment. I think that it would have been a good idea to have the president of the Gun Owners Association of New Hampshire and some of the local law enforcement officers sitting down together and talking about some of these issues so that we can begin to work together to resolve some of these problems. Americans and citizens in New Hampshire, as well as any place else are concerned about the epidemic of violence. This bill essentially says that you can have a lifetime license. Have we gone completely mad? I mean, come on. The fact is, that there will be so many people who will fall through the cracks with a system like that, who will have a psychological problem, that because of confidentiality, we will have no way of knowing, and there will be other issues that will have to be dealt with that we will not be able to catch. Yes, it is important that we protect the rights of the citizens to keep and bear arms, but let us not carry that so far that we endanger good, decent, law abiding citizens in the state of New Hampshire with this bill. I urge you to vote for the motion of inexpedient to legislate.

SENATOR CURRIER: Senator King, the Senate Education committee has heard some bills recently regarding fingerprinting teachers and doing it every three years; and yet this bill, actually authorizes a lifetime license to carry a firearm. Does the two kind of . . . I mean one is dealing with sexual offenders, or criminals, or felons becoming teachers and having direct contact with kids. So we want to make sure that they are checked periodically; in other words, every three years, you know when they are required to go for recertification. So we are going to fingerprint them to do that kind of stuff. But we are going to now on the other side of the coin here, give lifetime gun permits, with no checks and balances? Does that make any sense to you?

SENATOR W. KING: No. It doesn't, Senator Currier. We are putting a lethal weapon in the hands of an individual who we are saying to, you can have this weapon forever, unless by some chance, we get lucky enough to catch

the fact that you have gone off the deep end. We are going to see more Walpoles, and more problems all over the state of New Hampshire if you start doing that kind of thing.

SENATOR BARNES: Senator King, as usual, I agree with a lot of what you are saying, maybe not everything but most of it. But on the work that has gone on, the committee work that has gone on, I have heard one of the Senators talk about numbers. Is there any number available that you know of that can tell us of these homicides that happen in New Hampshire last year, and how many of them were committed by people who had gun permits versus those who did not have gun permits?

SENATOR W. KING: Senator Barnes, I don't know the answer to that. It is my understanding, that a couple of the people did have permits. I think that Senator Hollingworth has more information on specific statistics. It is my understanding, that you are three or four times more likely to be killed by a weapon if you carry one yourself or if you own one. But Senator Hollingworth can give you those statistics.

SENATOR BARNES: I guess it is a would you believe? I think that the violent problem is tremendous out there in the country and what have you, and I couldn't agree with you more. But I am not sure that this is going to do anything to help the situation if this bill is killed or not.

SENATOR W. KING: Well I will tell you what it isn't going to do, Senator Barnes. If we kill this bill, we are at least going to be sending a message to the people of New Hampshire, that we feel very strongly that we ought not to make it easier for people to walk around with a concealed weapon in the state of New Hampshire. That we ought to have stringent regulations. So that those people who are law abiding citizens can carry a weapon if they so choose, and can own a weapon if they so choose. But that they are at least willing to go through a regular process to recertify the fact that they are capable of doing so, and will not be a danger to the public.

SENATOR BARNES: Thank you very much.

SENATOR MCLANE: Senator King, you heard Senator Currier say that we have passed a bill in Education with some objections that teachers, daycare workers, and private school teachers, must be fingerprinted every three years. Can you buy a gun in the state of New Hampshire and not be fingerprinted, or are you fingerprinted at a time that you buy a gun?

SENATOR W. KING: It is my understanding, that you are not required to be fingerprinted when you buy a weapon.

SENATOR MCLANE: And so the question would be, that you would not be able to teach in a daycare without fingerprints, but you would be able to purchase a gun and keep it for a lifetime if this bill passes?

SENATOR W. KING: Senator McLane, I guess that I would not tie those two issues together. I think that we are going to have a fight on one issue separate than the other. To me, the issue is, that we ought to have reasonable restrictions on weapons. But that they ought to be reasonably assessable to individuals in the state of New Hampshire who choose to keep and bear arms. But let's not be insane about this. Let's have some sanity to the process; and say that you have to go through the process, not that you can get a weapon, and that you can keep it for the rest of your life. Because there are plenty of circumstances under which we are going to want to say to people, no. You may not continue to carry a concealed weapon.

SENATOR MCLANE: Would you be surprised to know that I thoroughly agree with you?

SENATOR BALDIZAR: Senator King, do you agree that there are times perhaps when it is not appropriate for an individual to have a loaded gun in his or her possession?

SENATOR W. KING: Yes.

SENATOR BALDIZAR: Thank you, I agree with you too. Would you agree that if we passed this bill, that we are going so far the other way removing all manner of control that we would have over that? If we passed this bill, that there would be no condition under which someone would not be able to carry a gun, this goes too far?

SENATOR W. KING: Correct.

SENATOR BALDIZAR: Thank you, Senator.

SENATOR WHEELER: Senator King, I have to take issue with your last comment. Would you agree that RSA 169:6-B says, "that the issuing person may revoke a pistol permit," whether this bill is passed or whether it isn't, "for a just cause at anytime?"

SENATOR W. KING: Senator Wheeler, as you well know, having been somebody who has spoken many times about government intruding into people's private lives. The fact is, that if we are going to maintain the kind of society that we have where government doesn't intrude into people's lives, and still protect people, relative to handgun ownership, and ownership of other kinds of weapons, we are going to have to have a process that protects them. If you give somebody a lifetime license, the only way that you can provide protection to the public, is to have the police going into people's profiles and into people's therapists' offices to find out whether or not they are a danger. There is no way that you can find just cause unless somebody commits an offense. So what you are saying is, that you have discovered just cause after they have already killed somebody. Because otherwise, chances are that you are not going to find that stuff out.

SENATOR WHEELER: Senator King, if they had a pistol permit, how are you going to dig in and find just cause, with or without it? What difference does it make?

SENATOR W. KING: They have to renew that. If there is reason not to renew it, on a regular basis, then the police will be able to do that. But otherwise, they won't be able to find that out.

SENATOR WHEELER: What information is available to a police chief renewing a permit that isn't available to him anyway, whether the person had a lifetime permit?

SENATOR W. KING: Senator Wheeler, I guess I am not an expert when it comes to that. My guess is, that there is probably a lot of information available to a police chief in the course of everyday dealings with the public that would not necessarily give them just cause under this bill. This bill expands the rights to carry a weapon in the state of New Hampshire while the rest of the country is saying, "let's get a grip on the insanity of violence that is occurring in our nation". We are saying, let's provide the opportunity for more violence. That is the wrong message to send to the people in the state of New Hampshire. It is the wrong message for us to send to the rest of the country as well.

SENATOR WHEELER: Senator King, would you agree that police chiefs today regularly revoke pistol permits whenever they come to a valid domestic violence call to someone's house?

SENATOR W. KING: Senator Wheeler, I guess that I would have to say that when it comes to deciding what a domestic violence call is these days, there is a question about that. I don't know the answer to that.

SENATOR WHEELER: Thank you, Senator.

SENATOR RUSSMAN: Would you believe, that this bill as it stands is a dog, and that it is not going to pass? There is little point in our debating it further. That we all ought to just vote the issue on this level with this particular bill, and be done with it?

SENATOR W. KING: Senator Russman, we probably would have if you hadn't asked me that question.

SENATOR HOLLINGWORTH: The Chiefs of Police oppose this legislation. No other states have this kind of legislation. in answer to a couple of the questions that were asked by a couple of Senators before. But obviously, guns aren't revoked often enough in domestic violence, because that is why we so often find those people being the homicides in the state of New Hampshire. It is usually too late. This bill would not have a check and balance. It is not supported by anyone other than the sponsors.

SENATOR WHEELER: Senator Hollingworth, I have to take issue with your last statement. Would you believe that Vermont does not require pistol permits at all?

SENATOR HOLLINGWORTH: I am not aware of that, Senator Wheeler, but if you say so. I am surprised. Because that testimony did not come out at the hearing.

Question is on the committee report of inexpedient to legislate.

A roll call was requested by Senator Shaheen.

Seconded by Senator McLane.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Blaisdell, Baldizar, Pignatelli, Colantuono, McLane, Podles, Barnes, J. King, Russman, Bourque, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted No: Wheeler.

Yeas: 22 - Nays: 1

Committee report of inexpedient to legislate is adopted.

SB 605, an act relative to the penalty for out-of-state habitual offenders driving in this state without a license. Judiciary Committee. Ought to pass with amendment. Senator Colantuono for the committee.

5094B

Amendment to SB 605

Amend the title of the bill by replacing it with the following:

AN ACT

relative to driving a motor vehicle after license
revocation or suspension in another state.

Amend the bill by replacing section 1 with the following:

1 New Section. Amend RSA 263 by inserting after section 64-a the following new section:

263:64-b Driving after Revocation or Suspension; Out-of-State Licenses.

I. The provisions of this section shall apply in addition to, and not in place of, those of RSA 263:64.

II. No person who possesses an out-of-state driver's license shall drive a motor vehicle in this state after the appropriate department or the justice of any court of competent jurisdiction in another state has suspended or revoked the person's license to drive, or has suspended or revoked the person's driving privilege, in that state. Any person who violates this section by driving a motor vehicle in this state during the period of suspension or revocation of the person's out-of-state license or driving privilege, shall be guilty of a violation and shall be fined not less than \$300.

AMENDED ANALYSIS

This bill prohibits a person who possesses an out-of-state driver's license from driving a motor vehicle in this state after the person's license to drive or driving privilege has been suspended or revoked in the other state. A person who drives a motor vehicle in this state during the period of suspension or revocation of the out-of-state license or driving privilege is guilty of a violation and subject to a fine of not less than \$300.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 608, an act increasing the penalty for certain DWI offenses to include lifetime license revocation. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 624, an act requiring that the technical rules of evidence be applied in child abuse and neglect cases. Judiciary Committee. Interim study. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

SB 660, an act relative to settlements on behalf of minors. Judiciary Committee. Ought to pass with amendment. Senator Podles for the committee.

5103B

Amendment to SB 660

Amend RSA 464-A:42 as inserted by section 1 of the bill by replacing it with the following:

464-A:42 Settlements on Behalf of Minors. No settlement, the net amount, as defined in RSA 464-A:2, XIV-a, of which exceeds \$10,000, of any suit or claim brought on behalf of a minor by parent or next friend shall be valid unless approved by the *appropriate superior or district* court in which the action is pending or to which a writ may be made returnable. *For good cause shown, the court may approve a minor's settlement which provides for the payment of settlement proceeds after the minor attains the age of majority.* In any suit or claim on behalf of a minor or against a minor or in which a minor is interested, the net amount of which exceeds \$10,000, the court shall require proof in the form of a certified

statement from the probate court that the guardian ad litem, parent, next friend, or other person who receives money on behalf of the minor whether through settlement, judgment, decree or other order, has been appointed guardian of the estate of such minor and is subject to the duties prescribed under RSA464-A:26.

SENATOR PODLES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 667-FN, an act relative to guardians ad litem appointed in child protection cases. Judiciary Committee. Ought to pass with amendment. Senator Podles for the committee.

5100B

Amendment to SB 677-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Appointment of Court Appointed Special Advocates and Guardians ad Litem. Amend RSA 169-C by inserting after section 10 the following new section:

169-C:10-a Appointment of Court Appointed Special Advocates and Guardians ad Litem.

I. In addition to the appointment of an attorney for the child, the court may appoint a Court Appointed Special Advocate (CASA) guardian ad litem or other guardian ad litem.

II. The New Hampshire supreme court shall adopt rules regarding the duties and responsibilities of the CASA guardian ad litem or other guardian ad litem appointed for a child.

III. The CASA guardian ad litem or other guardian ad litem shall have access to all court, medical, psychological, law enforcement, educational, social service, and other reports pertaining to the child and the child's parents or custodians.

SENATOR PODLES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 677-FN, an act relative to paternity. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5097B

Amendment to SB 677-FN

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect October 1, 1994.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 704-FN, an act excluding certain persons incarcerated for negligent homicide as a result of DWI from eligibility for parole as low-risk, non-violent prisoners. Judiciary Committee. Inexpedient to legislate. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 738-FN-LOCAL, an act establishing a procedure for the emancipation of minors. Judiciary Committee. Inexpedient to legislate. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 784, an act establishing a committee to study alternatives to the secure detention of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B. Judiciary committee. Ought to pass with amendment. Senator Podles for the committee.

5105B

Amendment to SB 784

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study alternatives to the secure commitment of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B.

Amend the bill by replacing sections 1 and 2 with the following:

1 Committee Established; Purpose; Membership. A committee is established to study alternatives to the secure commitment of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B. The committee shall consist of the following members:

I. Two members of the senate, appointed by the senate president.

II. Two members of the house of representatives, appointed by the speaker of the house.

III. Two members representing the division of children and youth services, one of whom is the administrator of secure commitment, appointed by the director of the division.

IV. One district court judge, appointed by the administrative justice of the district court.

V. Two members representing law enforcement, one from a city and one from a small town, appointed by the New Hampshire Police Chiefs' Association.

VI. One licensed psychologist or other medical practitioner, whose practice involves substantial work with juvenile delinquents, appointed by the director of the division of children and youth services.

VII. One representative of the Manchester Diversion Program, appointed by the director of the program.

2 Duties; Report. The committee shall:

I. Examine alternatives to secure commitment at the youth development center for both male and female juveniles adjudicated delinquent pursuant to RSA 169-B.

II. Issue a report including recommendations for appropriate legislation. The report shall be submitted to the governor, the president of the senate, the speaker of the house, and the state board of education no later than November 1, 1995.

AMENDED ANALYSIS

This bill establishes a committee to study alternatives to the secure commitment of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B.

SENATOR PODLES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 800-FN, an act relative to the child protection act. Judiciary committee. Ought to pass with amendment. Senator Podles for the committee.

5119B

Amendment to SB 800-FN

Amend RSA 169-C:19, I(b) as inserted by section 14 of the bill by replacing it with the following:

(b) That the parents, guardian, relative, or custodian, or the child, or both, accept individual or family therapy, medical treatment, the treatment of a rabbi, local minister, or other remedial care recognized and permitted under state law in lieu of medical care.

Amend RSA 169-C:19, IV as inserted by section 14 of the bill by replacing it with the following:

IV. The court may order any parent, guardian, relative, custodian, household member, or child to undergo individual or family therapy, medical treatment, the treatment of a rabbi, local minister or other remedial care recognized and permitted under state law in lieu of medical care.

Amend the bill by replacing section 18 with the following:

18 Report of Attorney General. Within 180 days of the effective date of this act, the attorney general shall report his findings and recommendations concerning the effect on due process of RSA 169-C on alleged perpetrators and children to the governor. This report shall include any recommendations to further safeguard the rights of alleged perpetrators.

SENATOR PODLES: Mr. President, SB 800 is SB 218 revisited, which was vetoed by the governor in 1993. The attorney general worked with sponsors and other groups on SB 800 with the governor's objective in mind. Over the summer they came up with a new bill. SB 800 allows the courts in child abuse and neglect cases to remove the alleged perpetrator from the home, rather than the child. It puts the safety of the children first. It sets up specific guidelines for ex parte orders and hearing dates. It intergrades and clarifies statutes, and puts them where they belong. The amendment clarifies when the court orders remedial counseling or medical treatment that counseling and services can come from an ordained minister, rabbi or other sources recognized in the statute. It also clarifies that within 180 days of the effective date of this act, the attorney general shall report his findings and recommendations concerning the effect on the due process; which is RSA 169-c, on alleged perpetrators and children, to the governor. The committee recommends ought to pass with amendment.

SENATOR BOURQUE: I would like to know if Senator Podles would yield to Senator Shaheen for a question?

SENATOR PODLES: Please go ahead, Senator Bourque. I yield to Senator Shaheen.

SENATOR BOURQUE: Senator Shaheen, I was wondering, in SB 800, what has really changed from last years SB 218? Could you please explain that to me?

SENATOR SHAHEEN: I will. If you have the bill in front of you . . . when Attorney General Howard testified at the hearing, he pointed out four changes that he made in the bill that addressed the governor's concerns

outlined in his veto message. The first one is on page one, line 14. The message wasn't clear enough, and the comma was an effort to make it clear and point out that imminent danger is an issue all by itself. On page two of the bill. Addressing the governor's concerns about the court issuing ex parte orders. SB 800 requires that the court sets a hearing no later than 10 days from the date of the ex parte order, which is to address that concern. On page four, under section nine, preliminary disposition. There was an original section C, in SB 218, which would transfer legal custody to a child placing agency. That has been taken out in this version. The last thing that he did was on the last page. If you recall, SB 218 had an amendment on it that set up a Noah's Ark committee to look at the Child Protection Act that the governor had expressed concerns about in his veto message. What SB 800 does, as Senator Podles has pointed out, is to substitute for that committee. A requirement that the attorney general reports on the effect of this legislation on alleged perpetrators and recommend any required changes to further safeguard the rights of alleged perpetrators. And if you'll notice in the amendment, it points out that the attorney general should also look at the affect on alleged perpetrators and children. Those are the four changes that the attorney general made in response to the governor's concerns in his veto message. He also pointed out to the committee that if the bill passed in its current form, that he would urge the TAPE INAUDIBLE.

SENATOR WHEELER: TAPE INAUDIBLE. I would also like to point out that section C, that Senator Shaheen referred to was out of the bill. The House had taken it out when it was presented to the governor for his veto. I would like to refer to the governor's veto message in which he said, "This legislation, unfortunately, gives district court judges, unbridled discretion to issue an ex parte order in RSA 169-c cases. This expansion of judicial power is without precedence." Nothing has changed concerning this, in SB 800. A person can still be removed from his or her home on the preponderance of the hearsay. And further, on page six of the existing bill, the bill discriminates against married people, while it allows live-in lovers to move back into the home within 30 days. It says on page six, line 31, "When the party subject to an order of protection has an obligation to support the child," this would include married people, "the child in question, the court may order such party to remain out of the residence of the child." No date for that person to come home; however, if you read on, "when the party subject to the order has no duty to support the child, and solely owns or leases the residence of the child, the court may order such party to remain out of the home residence for a period of no more than 30 days." So this bill clearly discriminates against married people and helps live-in lovers get back into their property. A person can be taken out of their property without due process on the preponderance of the hearsay. I urge my colleagues to vote against SB 800. Thank you.

SENATOR HOLLINGWORTH: Senator Wheeler, unfortunately, I wasn't here for all of your testimony, but you were talking about page six, section C. What that was in there for, is that in the event that the person who owns a house, and he or she is the accused perpetrator, has a right to that establishment. He or she owns it. And the other person, male or female, is the person who is the parent, and the child and that parent are just there because the other, the accused perpetrator, has allowed them to stay in that home. What this sets up is a mechanism that persons would not be denied their right to what they own. The right to ownership of a property. This has nothing to do with the lover or anything else. It just happens to be the situation where that individual has ownership of that property. He or she

is the one who has either leased that property or owns it and that is why that is in there. You certainly wouldn't, I think, agree, that somebody who owns a house, should be put out of his or her house permanently because they are an accused perpetrator. That they should lose their home as well, or do you?

SENATOR WHEELER: Senator Hollingworth, I am saying that this may not be your intention, but that is exactly what the bill does. If the person has a duty to support the child and owns the home, they can be kept out of the home with this bill, indefinitely.

SENATOR HOLLINGWORTH: Senator Wheeler, this has been reexamined by lawyers for two years. The attorney general's office has examined this area, and this in fact, does not do as you suggest. Are you aware of that?

SENATOR WHEELER: No, Senator Hollingworth. It does do what I suggest.

SENATOR SHAHEEN: I would like to address the section that Senator Wheeler is questioning. I think that first of all, as Senator Hollingworth has pointed out, this section is in there to address the rights of someone who is accused, who may actually own the property where the victim is living. But the alternative that Senator Wheeler is suggesting is to take the child out of the home and leave the alleged perpetrator in the home, and victimize the child twice. I don't think that that is an alternative that this Senate wants to go on record as being in support of. And in fact, this legislature last year, overwhelming, voted to support this piece of legislation.

SENATOR WHEELER: Senator Shaheen, I really resent the fact that you tell me what I am thinking. I never said that I was against the idea of removing the alleged perpetrator. What I, in essence, said was, that if you are going to remove someone from their home, with no date to bring them back, that they need due process. It can't be done on the preponderance on the hearsay. They have ownership in that house as well.

SENATOR SHAHEEN: I think that the way that the bill is written, is that it clearly addresses the concern that we don't want to victimize a child twice, who may be the victim of abuse. And the only alternative is to either take the alleged perpetrator out of the home or to take the victim, who in this case is the child out of the home. The way that the bill is written, it doesn't deny anybody of the right to due process, because they would have a hearing within 10 days based on the ex parte order of the court. So any decision that the court made is going to be subject to hearing and nobody is going to get removed from any property without the decision of the court.

SENATOR J. KING: Senator Shaheen, did you say that the attorney general worked with you on this bill?

SENATOR SHAHEEN: He actually wrote this bill.

SENATOR J. KING: Well, that is enough for me. Thank you.

Amendment adopted.

Question is on ordering to third reading.

A roll call was requested by Senator Shaheen.

Seconded by Senator Blaisdell.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Currier, Disnard, Roberge, Blaisdell, Baldizar, Pignatelli, McLane, Podles, Barnes, J. King, Russman, Bourque, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted No: Lovejoy, Wheeler, Colantuono.

Yeas: 20 - Nays: 3

Motion of ordering to third reading is adopted.

SB 614, an act relative to child support orders for college costs. Public Institutions, Health and Human Services Committee. Inexpedient to legislate. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 584, an act relative to the use of certain motorized craft on Hermit Lake in Sanbornton. Wildlife and Recreation Committee. Inexpedient to legislate. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 636, an act relative to the public use of coastal beaches for recreational purposes. Wildlife and Recreation Committee. Ought to pass. Senator Cohen for the committee.

Adopted.

Senator Cohen offered a floor amendment.

5157B

Floor Amendment to SB 636

Amend the bill by replacing section 1 with the following:

1 New Section; Public Use of New Hampshire Coastal Beaches. Amend RSA 483-B by inserting after section 9 the following new section:

483-B:9-a Public Use of Coastal Beaches.

I. The purpose of this section is to guarantee the right of public access to New Hampshire's coastal beaches at all tides for recreational purposes, subject to municipal ordinances.

II. Any person may use the coastal beaches of this state for recreational purposes, subject to municipal ordinances.

III. For the purposes of this section "coastal beaches" means that portion of the beach existing from the high tide mark where state ownership ends, across the commonly used portion of sand and rocks to the intersection of the beach and high ground, often but not always, delineated by a seawall, or the line of vegetation, or seaward face of the foredunes, or other historical markings of private ownership.

SENATOR COHEN: The status to public access to New Hampshire's beaches is not now and never has been clearly defined, and that is why this bill is needed. The attorney general's office has testified that under current law, there is room for interpretation; thus, the need for clarification. This bill is also needed because the state has an interest in maintaining and defining public access to the beaches. The passage of this bill as amended, will clarify the law and clarify the way in which essentially preserves the general accepted status quo. That is all that it does. Many of us have received calls and letters in support of this bill. The concerned citizens of the seacoast, some of whom are here in the gallery, gathered 1800 signatures on a petition in favor of the bill. I must say that it was a pleasure to work

with so many committed people and so many polite and considerate people on this bill. Their effort was born of the fact that last summer, one beach front owner, placed a no trespassing sign well into the commonly used portion of Rye Beach. The sign was removed, thanks to the power of the Atlantic Ocean. But not before public outcry. The situation arose because there is no clear definition and this bill corrects that problem. There was also written with sensitivity to owners of property which abuts the beach. The fact is, that no one pays property taxes on the sand. As each property deed varies greatly, most describing distances from the road, a few going so far as to say that they own to the ocean. But as one property owner said in the testimony, "Our deed reads to the Atlantic Ocean." The Atlantic Ocean goes way, way, out and comes way, way in, and the ocean belongs to everyone. The line is described in this bill is more appropriate than the current description. The floor amendment that you have in front of you comes from meeting yesterday with the Department of Environmental Services and the attorney general's office. This amendment meets the concerns of the DES. And although the AG's office has taken no stand, that office does recognize that a clarification such as this is in order, given that the observable high water mark is ill defined at best. This new language which was drafted by the help of the DES and the AG's office more thoroughly defines the line in which the high ground meets the commonly used portion of the beach. We also changed the words, "low tide" to "high tide", because access to the sand between high tide and low tide has never been in question, and the only point for clarification is that portion between the high water mark and the sea wall or other historic markers. To some, SB 636 provides a long overdue clarification of public access to the beaches. By passing this bill, we can be a real service to all of our constituents who just want to keep enjoying New Hampshire's beautiful and limited beaches. The committee urges its passage.

SENATOR PODLES: Mr. President, I rise in support of SB 636 and the amendment to protect the use of New Hampshire's beaches. Beach access should be unrestricted and not shut off to the public. Many of my people own and rent cottages at the beach. They do it for the sole reason to enjoy the beach and to take walks along the beach, and to enjoy the summer. To deny them this recreation is unconscionable. No individual has the right to claim land under the high water mark. It is obviously, part of the ocean. No one has the right to claim that property. As late as this morning, I was told that they would not have to deal with that sign. I urge my colleagues to vote with me in support of SB 636 with amendment and this will take care of it.

SENATOR COLANTUONO: Senator Cohen, as you know, the big issue here, is whether this language constitutes some type of taking of property from people who assert their right either to own down to the high water mark or even all the way down to the ocean, wherever the ocean is. My question to you is, could you synopsise what the position of the Attorney General is on, the question of whether this will constitute a taking? Because I don't want the state to be put into the position, if we pass this bill, of having a court say that it is a taking, and then have this bill cost us a lot of money?

SENATOR COHEN: I hesitate to speak for them, but they recognized that there may be one particular suit; but they didn't think, well my impression was, that they didn't think that that particular suit would be a particularly strong case. My sense of what their opinion was, is that this does not repre-

sent a taking of any sort whatsoever. And that the state will be in a very strong position if there is such a suit, which some could say rather frivolous.

Floor amendment adopted.

Ordered to third reading.

Senator Wheeler in opposition to SB 636 and floor amendment.

SB 699, an act prohibiting the taking of deer east of I-95. Wildlife and Recreation Committee. Inexpedient to legislate. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

MOTION OF RECONSIDERATION

Senator Blaisdell moved reconsideration on **SB 708-FN**, an act requiring the department of fish and game to permit aquaculture of oysters in the Piscataqua River, whereby we ordered it to the Division on Finance (Rule #24).

Adopted.

Question is on ordering to third reading.

Adopted.

Ordered to third reading.

ANNOUNCEMENTS

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Wednesday, February 16, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

SB 559, an act relative to international adoptions.

SB 562, an act relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license.

SB 583, establishing a committee to study the feasibility of issuing special license plates to nonprofit conservation organizations and using the proceeds from the fees to benefit nonprofit conservation organizations.

SB 589, an act relative to the powers of fiduciaries in environmental matters.

SB 591, relative to the aerial application of pesticides.

SB 605, relative to driving a motor vehicle after license revocation or suspension in another state.

SB 608, an act increasing the penalty for certain DWI offenses to include lifetime license revocation.

SB 636, an act relative to the public use of coastal beaches for recreational purposes.

SB 660, an act relative to settlements on behalf of minors.

SB 677-FN, an act relative to paternity.

SB 708, permitting the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee.

SB 784, establishing a committee to study alternatives to the secure commitment of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B.

SB 786-FN-LOCAL, an act allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire.

SB 797, repealing the ability of state agencies to be exempt from the purchase of recycled paper products.

SB 800-FN, an act relative to the child protection act.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Wednesday, February 16, 1994 at 1:00 p.m.

Adopted.

Adjournment.

February 16, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

Good God, be kind to the Senate today, that they may be kind to us, wise for us, and brave despite us, and may they still be smiling by the end of today. Amen

Dick Wiggin who has been the Doorkeeper for this chamber for a long time is rapidly approaching another door, and that is the end of his life. I would ask you to keep Mimi and his children and him in your prayers over the next few days. Let us pray for Dick: God of love and gracious glory, we commend into You, into Your hands, our brother Richard. May he know the comfort of Your love, and may his family be surrounded by the caring people who have nurtured and supported them and by a special awareness of Your Grace. We ask these things knowing that he is safe in Your loving arms. Amen.

Senator Barnes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 551, an act requiring a lending institution to notify the mortgagor or obligor prior to selling a mortgage or note on a consumer loan. Banks Committee. Interim study. Senator Lamirande for the committee.

SENATOR LAMIRANDE: Mr. President and members of the Senate, with this particular bill, it was felt that it should be looked at in a broader scope, on a national level, rather than a state level. So we've decided to have it sent to interim study so that it could be worked on. Thank you very much.

Committee report of interim study is adopted.

SENATOR DELAHUNTY: Fellow colleagues, I think that many of us have felt pretty pressured throughout this session that we have just gone through, and I know that the pressure has built up. But last night, a group, particularly, Gloria and the Senate Clerk's office, stayed to almost midnight to make available to us the Senate Calendars and Senate Journals for today. And I think that they deserve a good hand and anyone else that helped them. Thank you.

SB 670-FN, an act making technical corrections to the securities laws and relative to fees for securities registration. Banks Committee. Ought to pass with amendment. Senator Fraser for the committee.

5186B

Amendment to SB 670-FN

Amend the bill by replacing section 30 with the following:

30 Effective Date.

I. Sections 19, 23, 24, and 29 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 747-FN, an act relative to lease-purchase agreements. Banks committee. Ought to pass with amendment. Senator Fraser for the committee.

5187B

Amendment to SB 747-FN

Amend RSA 358-O:7 as inserted by section 1 of the bill by replacing it with the following:

358-O:7 Prohibited Practices.

I. A lease-purchase agreement shall not contain:

(a) A confession of judgment.

(b) A negotiable instrument.

(c) A security interest or any other claim of a property interest in any property interest in any property of the consumer.

(d) A wage assignment.

(e) A waiver by the consumer of claims or defenses.

(f) A provision authorizing the lessor or a person acting on the lessor's behalf to enter upon the consumer's premises without permission or to commit any breach of the peace in the repossession of property.

(g) A provision requiring the purchase of insurance or a liability damage waiver from the lessor for rental property that is the subject of the lease-purchase agreement.

(h) A provision requiring the lessee to make a payment in addition to regular lease payments in order to acquire ownership of the leased property, or a provision requiring the lessee to make lease payments totaling more than the dollar amount necessary to acquire ownership as disclosed pursuant to RSA 358-O:4.

(i) A provision requiring a late charge or reinstatement fee unless a periodic payment is late more than 5 days on a monthly agreement or more than 2 days on an agreement with periodic payments made more frequently than monthly.

(j) A provision for a late charge or reinstatement fee in excess of \$5.

(k) A provision for more than one late charge or reinstatement fee on any one periodic payment regardless of the period of time during which it remains unpaid.

II. No lessor shall collect or attempt to collect a debt in an unfair, deceptive or unreasonable manner as defined in RSA 358-C.

Amend RSA 358-O:12, II as inserted by section 1 of the bill by replacing it with the following:

II. A lessor shall not be liable under this section for any failure to comply with any requirement imposed under this chapter if within 60 days after discovering an error, and prior to the institution of an action under this chapter or the receipt of written notice of the error from the consumer, the lessor notifies the consumer of the error and makes whatever adjustments in the appropriate account as are necessary to assure that the consumer is not required to pay an amount in excess of the lowest charge actually disclosed.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 645-FN, an act requiring the state to accept the Union Leader building and authorizing the commissioner of administrative services to determine how the real estate shall be renovated for use as a court facility and for additional state office space. Capital Budget committee. Inexpedient to legislate. Senator Wheeler for the committee.

SENATOR WHEELER: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 540, an act limiting rights of reversion relative to real property. Economic Development Committee. Ought to pass with amendment. Senator W. King for the committee.

5198B

Amendment to SB 540

Amend RSA 477:3-B, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The provisions of this section relative to rights of re-entry for condition broken, reservation of any reverter for breach of condition or any other similar conveyancing device shall not apply to such rights held by:

(a) Corporations organized under RSA 292;

(b) Any nonprofit organization certified as a charitable organization under section 501(c) of the Internal Revenue Code of the United States;

(c) The state of New Hampshire;

(d) Political subdivisions of the state of New Hampshire;

(e) Mortgagees; or

(f) Any living natural person who has retained any such rights in a deed of conveyance.

Any such rights held by such entities shall be enforceable in the Courts of this State.

AMENDED ANALYSIS

This bill limits situations where there is a condition in the deed which allows the property to revert back to the grantor. Nonprofit organizations, the state and its political subdivisions, and certain others are exempt from the provisions of this bill.

SENATOR W. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 595, an act changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. Economic Development Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the committee report of ought to pass.

Adopted.

Ordered to third reading.

Senators Barnes, Delahunty, Roberge and Wheeler in opposition to SB 595.

SB 629-FN, an act relative to the state guarantee of bonds issued by the business finance authority. Economic Development committee. Inexpedient to legislate. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 643-FN-A, an act relative to examining the feasibility of building a civic/exposition center in Manchester and making an appropriation therefor. Economic Development Committee. Ought to pass with amendment. Senator Pignatelli for the committee.

5189B

Amendment to SB 643-FN-A

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$50,000 is hereby appropriated to the Manchester city coordinator and the Manchester community improvement program, for the biennium ending June 30, 1995, for the purposes of determining the feasibility of establishing a civic/exposition center in Manchester. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. Any funds up to the amount of \$50,000 raised from private sources for the purposes of this section shall be deposited with the state treasurer.

SENATOR PIGNATELLI: TAPE INAUDIBLE

Question is on the committee amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 659-FN-A, an act relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor. Economic Development Committee. Ought to pass with amendment. Senator Barnes for the committee.

5192B

Amendment to SB 659-FN-A

Amend the bill by replacing sections 1 and 2 with the following:

1 Purpose. The purpose of this act is to protect the historic integrity of the Civilian Conservation Corps (CCC) camp at Bear Brook state park by consolidating the warehouse and workshop facilities used by the depart-

ment of resources and economic development at Bear Brook state park and Langdon Street in Concord in a new location. The Family Camping Museum located at Bear Brook state park, within the National Historic Register CCC site, has a need for expanded indoor and outdoor exhibit space. Relocation of this museum to the existing design, development, and maintenance facility, located adjacent to the CCC historic site on land originally part of the CCC camp, will provide the needed expansion space. Such relocation has the added benefit of removing that traffic through the historic site which serves only the DRED maintenance facility. The museum board will renovate the design, development and maintenance facility for its purposes at no cost to the state of New Hampshire.

2 Authorization. The department of resources and economic development is hereby authorized to consolidate its warehousing and workshop facilities at a single location on department land, to dispose of its existing warehouse facility located at the forestry warehouse on Langdon Street, and to use the proceeds from that sale to design and build the replacement facility.

AMENDED ANALYSIS

This bill makes an appropriation to and authorizes the department of resources and economic development to consolidate its warehouse and workshop facilities to a new location. Currently the facilities are located on Langdon Street in Concord and at Bear Brook state park.

This bill also authorizes the Family Camping Museum at Bear Brook state park to relocate to the existing design, development and maintenance facility so that the exhibits may be expanded.

SENATOR BARNES: TAPE INAUDIBLE

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 697-FN-A, an act relative to the New Hampshire Industrial Research Center and making an appropriation therefor. Economic Development Committee. Ought to pass with amendment. Senator W. King for the committee.

5190B

Amendment to SB 697-FN-A

Amend the bill by replacing sections 3-6 with the following:

3 "Basic Research" Changed to "Basic Scientific, Engineering, and Associated Marketing Research". Amend RSA 187-A:30 to read as follows:

187-A:30 Purpose. To promote the economic well-being of its citizens, the general court finds it desirable to establish an industrial research center at the University of New Hampshire for the purpose of providing a mechanism to promote applied and basic **scientific, engineering, and associated marketing** research and technological transfer to support the New Hampshire industrial and business community. This center will provide the means for improving the competitiveness of New Hampshire industry and the upgrading and development of new and old products through the support and cooperation of the state with industry and business. The supported research, innovation and technology transfer activities will preserve and increase the number of jobs in New Hampshire.

4 Change to "Industrial Research Center"; Authorization to Provide Grant-Funded Services; "Basic Research" Changed to "Basic Scientific, Engineering, and Associated Marketing Research." Amend RSA 187-A:31 to read as follows:

187-A:31 Grant Program. To carry out the purposes of this subdivision the department of resources and economic development shall enter into a grant program with the university of New Hampshire to establish a cen-

ter for industrial [technology] research [and innovation] at the Durham campus. Through the grant program, the center shall provide applied and basic *scientific, engineering, and associated marketing* research capability and technology transfer in support of New Hampshire's industrial and business community. *The center may pool its funds with those of other entities, either public or private, for the purpose of delivering services to New Hampshire businesses and industries.* To be eligible [for the grant program] *to receive grant-funded services*, businesses and industries must have an ongoing business within the state or an announced intention to locate a business in the state.

5 Short-Term Activities Allowed Without Requiring Matching Funds. Amend RSA 187-A:33 to read as follows:

187-A:33 Funding. Any center project utilizing state appropriations *except for certain short-term, fee-based activities authorized by the oversight committee*, shall match state funds at least dollar for dollar with funds generated by the center from the net income of any of the following operations of the center: the center's research clients, profit and nonprofit organizations, the federal government, or local political subdivisions. In kind and equipment contributions may be accepted as matching funds under criteria established by the committee.

6 Appropriation; 2 Field Agents. The sum of \$1 for the fiscal year ending June 30, 1995, is hereby appropriated to the industrial research center at the university of New Hampshire for the purpose of hiring 2 field agents who shall work under the direction of the center. The funds in this appropriation shall not be transferred or expended for any purposes other than the field agents' salaries, benefits, and associated expenses and shall not require matching funds. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill:

(1) Changes the title of the center from "Industrial Technology Research and Innovation Center" to "Industrial Research Center."

(2) Allows the center to provide grant-related services.

(3) Redefines "basic research" as "basic scientific, engineering, and associated marketing research."

(4) Allows short-term activities without requiring matching funds.

(5) Makes an appropriation of \$1 to hire 2 field agents.

SENATOR W. KING: TAPE INAUDIBLE.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 701-FN-A-LOCAL, an act relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee. Economic Development Committee. Ought to pass with amendment. Senator Fraser for the committee.

5197B

Amendment to SB 701-FN-A-LOCAL

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of up to \$10,000 is hereby appropriated to the Lakes Region Planning Commission for the biennium ending June 30, 1995, to examine and review the feasibility of locating a conference complex, in the lakes region. The appropriation made pursuant to this section of this act shall not be available until the Lakes Region Planning Commission has raised

from other funds all but \$10,000 necessary for the study. The commission shall have until November 1, 1994, to certify to the state treasurer the amount of funds raised. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

SENATOR FRASER: TAPE INAUDIBLE.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 505, an act establishing a study committee to review the statutory provisions relative to compulsory school attendance and the assignment of pupils. Education Committee. Ought to pass with amendment. Senator Disnard for the committee.

5219B

Amendment to SB 505

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to review the statutory provisions relative to compulsory school attendance.

Amend the bill by replacing sections 1 and 2 with the following:

1 Committee Established; Purpose; Membership. A committee is established to review the statutory provisions relative to compulsory school attendance. The committee shall consist of the following members:

I. Two members of the senate, appointed by the senate president.

II. Two members of the house education committee, appointed by the speaker of the house.

III. One school superintendent, appointed by the New Hampshire School Administrators Association.

IV. The chairperson of the state board of education.

V. A member of the School Boards Association, appointed by the association.

VI. Two parents of public school students, appointed by the governor.

VII. One special education advocate, appointed by the governor.

VIII. One principal or teacher from an elementary school or senior high school, appointed by the New Hampshire Association of School Principals.

IX. One school attendance officer, appointed by the New Hampshire Association of School Principals.

2 Duties; Report. The committee shall:

I. Review the statutory provisions relative to compulsory school attendance.

II. Recommend appropriate modifications to these statutes which would make the procedure for the assignment of pupils to school districts other than the resident district.

III. Issue a report, including recommendations for appropriate legislation. The report shall be submitted to the governor, the president of the senate, the speaker of the house, and the state board of education no later than November 1, 1994.

AMENDED ANALYSIS

This bill establishes a committee to review the statutory provisions relative to compulsory school attendance.

SENATOR DISNARD: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 535-FN, an act relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans. Education Committee. Ought to pass with amendment. Senator Podles for the committee.

5096B

Amendment to SB 535-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans and providing for indemnification of board members, officers, and employees of the higher education and health facilities authority.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-5 to read as 3-7, respectively:

1 New Hampshire Higher Educational and Health Facilities Authority; Board Members and Officers Indemnification Expenses Constitute Administrative Cost. Amend RSA 195-D:4, VI to read as follows:

VI. The members of the board of directors and the officers of the corporation shall not receive any compensation for the performance of their duties under this chapter, but each such member or officer shall be paid his necessary expenses incurred while in the performance of such duties. These expenses, *as well as any expenses incurred by the corporation as a result of indemnifying or holding harmless its directors, officers, and employees*, are part of the expenses authorized by RSA 195-D:5, to be a charge as an administration cost.

2 Powers of New Hampshire Higher Educational and Health Facilities Authority; Indemnification of Directors, Officers, and Employees Added. Amend RSA 195-D:5 by inserting after paragraph XVIII the following new paragraph:

XIX. To protect, indemnify, and hold harmless its members of the board of directors, officers and employees from any costs, damages, awards, judgments, or settlements arising from any claim, civil action, lawsuit, or other proceeding against them.

Amend the bill by replacing section 5 with the following:

5 Student Loans to Meet Federal Requirements. Amend RSA 195-E:15-a to read as follows:

195-E:15-a Designation of Eligible Lender for Federally Guaranteed Student Loans. New Hampshire Higher Education Loan Corporation, a New Hampshire voluntary, nonprofit corporation, is hereby designated as "eligible lender" within the meaning of 20 U.S.C. section 1085(d)(1)(D), to enable it to provide a secondary market for federally guaranteed student loans. *Furthermore, New Hampshire Higher Education Loan Corporation is requested to acquire student loan notes pursuant to and in accordance with the provisions of 26 U.S.C. section 150(d), as it may be amended from time to time.*

AMENDED ANALYSIS

This bill repeals the provisions requiring an investment rating of "A," changes the term "issuance" to "origination or acquisition," and requests that the acquisition of student loans be in accordance with 26 U.S.C. section 150(d).

It also provides for indemnification of New Hampshire higher education and health facilities authority board members, officers, and employees.

SENATOR PODLES: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 560, an act requiring participating districts in AREA school systems to negotiate withdrawal plans. Education committee. Ought to pass with amendment. Senator Disnard for the committee.

5218B

Amendment to SB 560

Amend RSA 195-A:14, VIII(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Allow for mandatory negotiated time limits of not less than 10 years or the life of any outstanding bond issue, whichever is longer.

SENATOR DISNARD: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 647, an act relative to compulsory attendance. Education Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: TAPE INAUDIBLE.

Adopted.

Ordered to third reading.

SB 665-LOCAL, an act prohibiting the use of per capita income or personal income as a basis for determining costs of capital outlay and operation in cooperative school districts. Education Committee. Inexpedient to legislate. Senator Currier for the committee.

Recess.

Out of recess.

SENATOR LOVEJOY: TAPE INAUDIBLE There seems to be a discussion going on with this Kearsarge school district among the towns, to find an alternate way to fund the education of the district, in the cooperative school district. One of the solutions that is being proposed, is that per capita income be used as a base within another formula to raise taxes to fund that education process there.

SENATOR FRASER: Just to be certain, Senator, if I understand correctly; if in fact that governing body that determines that this is a fair way to fund education, then I think, your testimony is, that the Department of Education would have the final say as to what, I guess would be the final decision?

SENATOR LOVEJOY: The Board of Education would have the final approving authority under current RSAs.

SENATOR FRASER: Thank you.

SENATOR COLANTUONO: First of all, I want to make sure that I understand this bill correctly. That what the state law or what they are attempting to do, is to use the per capita income of each town to determine the assessment to each town, for the common cost of the regional school. Is that correct?

SENATOR LOVEJOY: That is correct.

SENATOR COLANTUONO: But the towns would still raise their money by property taxes, is that correct?

SENATOR LOVEJOY: They would raise their money based on the per capita income of each town, right.

SENATOR COLANTUONO: So that the problem would arise if you were to have a wealthy town with high per capita income, being assessed more than a less wealthy town, is that correct?

SENATOR LOVEJOY: I would say that that is correct, Senator.

SENATOR COLANTUONO: Okay. Then the question that I have is, how would this method, if we allow it, affect a poor person of low income in that high income town? Wouldn't they be forced to pay an enormously higher property tax on their property than their neighbors in their other towns?

SENATOR LOVEJOY: Yes, sir. I think that Bradford Cook's letter, opinion, said that there can be a higher average, giving a break to wealthy persons in towns with a lower average.

SENATOR COLANTUONO: And the opposite?

SENATOR LOVEJOY: Yes, it would. I am trying to answer, if I may, further answer Senator Colantuono's question? I was trying to avoid the Kearsarge issue. But to plug the loophole, and that is where the discussion came from. I am sure that Senator Currier will have some comments as the reporting Senator on this bill. Also that it is in his district. But, if I could, I would defer to him and let him present his position.

SENATOR SHAHEEN: Senator Lovejoy, would this take away the control of the local district over this issue?

SENATOR LOVEJOY: As I understand it, Senator Shaheen, the local district doesn't really constitutionally have the ability to use per capita income as a method for setting taxes. The legislature . . . and that is the whole point of my argument. The legislature, the House and the Senate, have not given that authority.

SENATOR SHAHEEN: That is not my question, though. The current situation is that the formula is adopted by the cooperative school district. Is that right?

SENATOR LOVEJOY: Yes, that is correct.

SENATOR SHAHEEN: So that it gives the control over that issue to the local district to make that decision?

SENATOR LOVEJOY: Yes, it does.

SENATOR SHAHEEN: Do I understand you to say that you are not in favor of local control, then?

SENATOR LOVEJOY: No, Senator, you know that is not so. Because we have had these discussions before.

SENATOR SHAHEEN: So only on issues that have to do with broad base taxes, you don't favor local control. Is that correct?

SENATOR LOVEJOY: No, that is not correct, Senator. I do not favor giving an appointed board, the State Board of Education, the final authority, for taxing the incomes of the state of New Hampshire. And that is the purpose of my presenting the bill.

SENATOR SHAHEEN: So that you are willing to take away local control of the district, in order to have this body make a decision on that? I mean, that is ultimately, what you are saying?

SENATOR LOVEJOY: No. I think that is the same question that you just asked me, but in different words. So let me answer it the same way in different words. That it is in my view, the New Hampshire Senate's and the New Hampshire House's decision to discuss whether per capita personal income should be taxed or not, and that should not be regulated to the State Board of Education. In that case, I do not favor the local control, no.

SENATOR PODLES: Senator Lovejoy, I would like a clarification on something. When the New London residents came before our committee, they said that, "it singles them out and significantly increases their portion of the cost." They also said that, "if an income tax is to be implemented, they want the legislature to do that and not a school committee." Could you comment on that?

SENATOR LOVEJOY: I certainly agree. I believe that constitutionally that's the legislature's responsibility and it should be done that way, yes.

SENATOR DISNARD: Mr. President, I rise as Chairman of the Senate Education committee. I think that we all have to understand, that in the cooperative school district of Kearsarge, right now, there are articles on the warrants, that are 66-2/3 vote, should change the formula that they presently have. Are we changing a policy of this legislature of New Hampshire, when a group of school districts making up a cooperative, who have articles on the warrant, and are going to discuss this to tell them that this is inappropriate? If this was to happen, wouldn't they even be grandfathered? I think that this is an extremely inappropriate bill to try to address a local issue that is trying to be discussed, and has been discussed, on this same issue, for the last several years. We have a wealthy community that is opposed to it. And I understand Senator Colantuono's question. I understand what you are saying. But right now we have an issue before us. These school districts have articles on the warrant to discuss and vote on this particular situation. We have a group of school districts, more school districts in the cooperative who are against this. There is only one school district, one community, who is really pushing it. I don't feel comfortable with this bill or any other bill relating to this item. It should be discussed or voted on at this time in a favorable manner by the Senate of the state of New Hampshire, because we are interfering strongly with local control that is a heated issue, and I mean a heated issue in all of those communities. I think that we have to take this into thought. We had in 1963 or 1973, rules that were changed by the Cooperative School District of Kearsarge, because of the changes so adopted their formula. Now they are unhappy. The majority in the last several years, have voted for this change, but they couldn't get the 2/3 vote. What we are saying is, to hell with the local school districts that are already in a turmoil. The bill doesn't address that in the future there be new cooperative school districts, it addresses those. It is interesting to know that two to four attorneys the last several weeks, in our committee, there is a 50/50 difference of opinion on what the constitution says. I think that we had better be careful how we interfere with local school districts that are voting on an issue.

SENATOR CURRIER: Mr. President and members of the Senate, this is a hot issue in my district and in Senator Hough's district. The battle lines have been drawn and it is almost like the North and the South. Senator Hough representing the North and myself representing the Southern part of the district. There has been a lot of frustration at the way that the formula exists in the districts now. I have to give you a little bit of background so that you can understand why the Education Committee, I think, took the position that they did on this bill. And the fact that we also have SB

808, which virtually does the same thing but a little different way. The Kearsarge school district right now, has a formula that is based on equalized evaluation and student population. And it is a 75/25 split. The interesting thing is, all of the assessed evaluation, the highest evaluation, is in New London. But all of the students are from the Southern part of the district. So the thing is that what is happening is, that the Southern part of the districts, the poor communities in terms of their assessed evaluations, have all of the kids. Because quite frankly, that is where people can afford to live. They can't afford to live in New London. So they live in Warner, where Jack Chandler lives or they live in Bradford, where I have a summer home. They have been working as a community of towns to come up with ideas to creatively approach how they can fund the school district, the cooperative. It is not unlike what we will probably be doing in the coming years, dealing with the question that the Supreme Court has put before us. Now one of the things that they have come up with recently, was this per capita formula for funding the school district. That way there, based on one's ability to pay. I can't directly answer Senator Colantuono's question on how the poor folk or the people of lower income would be affected in New London as opposed to living in Bradford. I mean, that obviously, is a concern. But the fact of the matter is, is that all of the people within the district are going to have an opportunity to vote on this. It is not some board saying, 'hey, you have to do this,' or the state telling them to do it. The voters are going to vote on this at their town meetings. And if there is any indication of what's happened in the past, New London is going to bus all of their people to the polls and the thing will get overwhelmingly defeated anyway. But the point is, we are letting the local people make the decision because it is a local issue. Now if they want to tax them on how many carrots a garden can produce, so be it. That is their choice. I mean, I have always been an advocate of letting the local decisions be made by the local voters. And I don't understand sometimes, why we wind up having to make the decisions for them. For example, I haven't talked to very many people who don't support gambling of some sort in terms of funding education. Ironically enough, the only people who are afraid of it are the people who are in this room and across the hall. The general public isn't afraid of gambling. But for some reason, we legislators are. As I said, this is a local issue; and obviously, I feel very strongly about it because we had Marcia Keller who is a former state employee who used to work for the office of State Planning come in. She made a very nice presentation to the Education Committee with charts and graphs, with figures and facts, that showed what the difference would be if it was done the way that they were talking about in terms of per capita and so forth. I will see that every member of the Senate gets a copy of those graphs that have now been reduced to sheet size for your convenience. Now this issue, if we defeat it, it is going to come back. Part of the reason, I think, that the Senate Education committee voted inexpedient to legislate is because SB 808, which I believe that we heard yesterday, will be execed on next Tuesday, and it is basically dealing with the same thing. It prohibits cooperative school districts from making changes to their capital outlay and operational funding formulas from July 1, 1994, to July 1, 1997, except by a majority vote of each preexisting school district." So this bill goes along with the other bill that we suspended the rules for about a week ago, SB 808, along with the Wellness Center. This is the other bill, and it was sponsored by Senator Hough and Representative Kidder from Merrimack County, District 2, New London. So anyway, enough said on that issue. I respect Brad Cook as an attorney, but as Senator Disnard pointed out to me earlier today, and to all of us, is that there are varied opinions on what the constitution does say. There is one thing clear.

The state legislature is the only body that can give the cities and the towns the taxing authority, no one else can. Not even the Supreme Court. So it is the legislature that has to do that. That is going to be an issue that is going to have to be dealt with. The fact that we as the legislature have not addressed the educational problems and concerns, is the fact that we are here talking about this today. Because if we had already fixed all of these problems, these so-called problems that we have with education, we wouldn't be talking about this now; and neither would Bradford and Warner and Sutton and Newbury, and all of those other communities, including New London, about this whole issue. I think that it is really important that we defeat this measure. It is nothing against Senator Lovejoy. It is a situation where I don't see that this bill is the foot in the door to get an income tax. This cooperative school district has opted through a committee process, to look at that. And I don't see, quite frankly, anything wrong with that. I think also, that we ought to defeat the ought to pass motion and go with the committee recommendation of inexpedient to legislate.

SENATOR COLANTUONO: Senator Currier, could you explain how it is proposed on the warrant, if this passes, that they will determine what the incomes are of all of the residents of the district? And are they going to require that the residents turn in their income tax forms or what?

SENATOR CURRIER: No. Unfortunately, I couldn't seem to locate that folder this morning to bring with me. But that information is available. I am not sure who it was that said that it wasn't available; but it is, by community. It is already used for all kinds of other distributions; for sweepstakes formulas, for the Rooms and Meals things, all of those things. There are formulas that are used and that per capita income is a statistic that either the office of State Planning or the Department of Revenue Administration does in fact maintain. Now what the source of that is, I don't know. I am assuming that it is the U.S. Department of Statistics and the Census Bureau or whatever they call that.

SENATOR LOVEJOY: Senator Currier, if this passes in the Kearsarge district, and the per capita income is used, in their opinion, as a proposal for funding education, who has the final authority as to whether that is to be used or not, according to the current RSAs?

SENATOR CURRIER: According to the current RSA's, that is a matter of interpretation. I would assume that the courts would make the final determination of that. You were quoted as saying, "In 1850 a court case", well since 1850 a lot of things have changed here in New Hampshire. I would assume that the situation would be that the courts will make the final decision because this school district isn't afraid of the courts. They have just got out of the courts. They went right from the local District Court all the way up to the Superior Court to the Supreme Court on a case dealing with this issue of apportionment and what the rulings were.

SENATOR W. KING: Mr. President, I rise in opposition to the pending motion. I am glad that Senator Currier essentially said that this is not about an income tax. And Senator Shaheen earlier made a point that I think is most important, and that is that this is largely an issue of local control as Senator Shaheen and Senator Currier have said. I don't think that there is any one of us in this room today, who would not say that whenever possible, we ought to craft public policy in a way that gives a maximum amount of control to local communities over its destiny. This bill runs contrary to that. This denies the ability of communities to make those kinds of considered decisions. And it is not about what the State Board of Education does or does not do, what it is about is what the governing body, the

legislative body of a school district chooses to do. They are the ones who make the decision. And then apparently, that decision goes on to the State Board of Education. But, ultimately, the decision is in the hands of the communities, first and foremost. It cannot even get to the school district without the people of the communities voting to put it there. This is not about an income tax. This is largely about the problem that we have with the property tax in the state of New Hampshire. A property tax that puts good decent citizens against one another. It is in many communities, causing war between communities that are located next to one another. I think that it is disingenuous of us to talk about the few people who are poor but live in wealthy communities, when we are not willing to talk about the many who are poor who do not live in wealthy communities. This system is skewed to the wealthy. Let's face it. If you look at the general tax burden on the citizens in the state of New Hampshire, what you see is that the wealthy get a free ride and the poor and the middle class pay far more in taxes than they ought to pay. We ought to be willing to let the communities make the decision themselves about how they are going to figure out how to fund their schools, and we ought to get on about the business of trying to figure out how we can improve the quality of education, and how we can lessen the burden on as many people as we possible can in the process of doing it.

SUBSTITUTE MOTION

Senator Lovejoy moved to **substitute ought to pass for inexpedient to legislate.**

Question is on the substitute motion of ought to pass.

A roll call was requested by Senator Wheeler.

Seconded by Senator Blaisdell.

The following Senators voted Yes: MacDonald, Fraser, Lovejoy, Roberge, Wheeler, Colantuono, Barnes.

The following Senators voted No: Lamirande, W. King, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, Podles, J. King, Russman, Bourque, Shaheen, Delahunty, Hollingworth, Cohen.

Yeas: 7 - Nays: 16

Motion of ought to pass fails.

Question is on the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 728-FN-A-LOCAL, an act providing incentive aid for public kindergarten programs and making an appropriation therefor. Education Committee. Ought to pass with amendment. Senator Currier for the committee.

5222B

Amendment to SB 728-FN-A-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Purpose; Promotion of Kindergarten Education. The general court finds that kindergarten is an important part of a child's education, and that children who have had kindergarten experiences generally have an educational advantage during their later schooling. Most learning materials and curricula for schools presuppose that children have had kindergarten schooling. It is the intention of the general court to require that by July 1, 1998, all New Hampshire children of suitable age and development shall have access to a publicly-supported kindergarten.

Amend RSA 194:60, I as inserted by section 2 of the bill by replacing it with the following:

I. A kindergarten incentive loan program is established to be used by the department of education to facilitate loans to school districts without kindergartens to help cover the first 3 years of start-up cost of kindergartens in the public schools.

Amend RSA 194:60, III as inserted by section 2 of the bill by replacing it with the following:

III. A school board which desires to apply for a one, 2, or 3-year loan through the program shall warn a question for a regular or special school district meeting in substantially the following form:

"Shall the (name of school district) borrow (amount of money) from the state kindergarten incentive loan program, to finance (the first year/each of 2 years/each of 3 years) of a kindergarten program, with the principal to be repaid to the lender without interest in 4 annual installments?"

Following a favorable vote, a school board may apply once or twice for a certificate of eligibility from the commissioner in accordance with the authorization of the school district meeting. After obtaining a certificate of eligibility, the school district may borrow the amount specified in the certificate from the bank or banks designated by the commissioner and the state treasurer.

Amend RSA 194:60, VII(b) as inserted by section 2 of the bill by replacing it with the following:

(b) June 30, 1998.

Amend the bill by replacing section 4 with the following:

4 New Hampshire Sweepstakes Commission Committee Established.

I. The general court finds that the issue of maximizing revenue from programs administered by the sweepstakes commission is one of interest as it relates to the funding of education and the types of games of chance offered in New Hampshire. Therefore, the general court is establishing a committee to study current and potential New Hampshire sweepstakes commission programs as well as the maximization of commission revenues for the purpose of fully funding foundation aid, kindergarten or other education programs.

II. There is established a committee to study the programs administered by the New Hampshire sweepstakes commission and the maximization of revenues to the state from those programs. The committee shall also review lottery programs utilized in other states which could be implemented and administered by the New Hampshire sweepstakes commission.

III. The committee shall consist of the following members, all of whom shall be appointed within 30 days of the effective date of this act:

- (a) The senate president, or designee.
- (b) The speaker of the house, or designee.
- (c) The attorney general, or designee.
- (d) The commissioner of education, or designee.
- (e) The executive director of the sweepstakes commission.

IV. The chair of the committee shall be selected from the members at the first meeting. The first meeting of the committee shall be called by the president of the senate, or his designee, within 60 days of the effective date of this act.

V. In conducting its study, the committee shall have the authority to utilize the staff and research assistance of the sweepstakes commission, the department of education, and the legislative budget assistant.

VI. The committee shall submit a report of its findings and recommendations for legislation to the senate president, the speaker of the house, and the governor no later than December 1, 1994.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides incentive aid for public kindergarten programs in the form of a loan program, a per pupil distribution, and a matching fund program and makes an appropriation to provide kindergarten incentive aid.

The bill also establishes a committee to review the maximization of revenues from programs administered by the sweepstakes commission.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

SENATOR MCLANE: Senator Currier, I have before me two amendments. One is the amendment that was proposed by Senator Lamirande which takes out the section of the bill that has to do with vouchers. I would assume that that was part of the amendment that is offered.

Recess.

Out of recess.

SENATOR MCLANE: There are two parts to the amendment. I am very strongly in favor of the first one. I would have signed onto Senator Lamirande's bill if the mistake had not been made. The mistake was to include vouchers in this kindergarten bill. I care very deeply about the kindergarten issue. I am the sponsor of two other bills that would try and make New Hampshire be the 50th state and the 54th state and territory behind Guam, Puerto Rico, American Samoa, and the Virgin Islands, in having kindergarten. But I am not happy with that section of the amendment that Senator Disnard and Senator Currier have put forward, and I would like to state my reasons why. The amendment put forward by them establishes a committee, very simply, to review the maximization of revenues from programs administered by the New Hampshire Sweepstakes Commission. This is how we got into all the trouble in the beginning. The only way that they could pass the lottery, and they tried for many years, was to attach it to schools and have pictures of tickets with kidlets walking off to these schools. And if you didn't buy the tickets the kids wouldn't get to go to school. And what has it meant? It is meant that we are not only the lowest state in state aid to education, but I have carefully researched this, and if we quadrupled our state aid to education, we would still be last. The problem was tying education to gambling. So you are just trying to do it all over again. I think that it is stupid. I also think that it would be better to put something, if you want to maximize revenues about sweepstakes, do it on another bill other than kindergarten, because this is where we have harmed education from the very beginning. If you tripled the number of sweepstakes tickets that you sold, we would still be last in state aid to education. We would only be up to about ten percent instead of eight percent. The answer to kindergarten is not sweepstakes, and I just wanted to say that.

Recess.

Out of recess.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 729-FN-LOCAL, an act allowing high school credit for community service, changing the maximum compulsory school attendance age from 16 to 18 years of age, changing the school entry enrollment date, and allowing certain children with disabilities to get work certificates. Education Committee. Inexpedient to legislate. Senator McLane for the committee.

SENATOR MCLANE: There are four sections to this bill. Senator Lamirande came down with an interesting young man from Berlin who appeared on one section of the bill having to do with compulsory school attendance age. He was, I believe, 17, and had dropped out of school. There are several issues here, mostly having to do with high school credit for community service, allowing certain children to get work certificates, compulsory school attendance. The bill called for changing the compulsory school attendance from 16 to 18 years old, which I would consider as a mandate at this point, and changing the school date of enrollment. The Education committee looked at all of those issues and felt that they were widely disbursed. There were several that we were not in favor of. We voted inexpedient to legislate. I will be very clear in saying that Senator Lamirande was not there for the executive session. She was taking her mother to the doctor. I think that the committee was not being critical when we said that it was inexpedient to legislate, it just wasn't ready to come onto the floor in any other form.

SUBSTITUTE MOTION

Senator Lamirande moved to **substitute interim study for inexpedient to legislate.**

SENATOR LAMIRANDE: As Senator McLane just stated, I had taken a young adult, a young student, and spoke with him. He was in a situation that deals with the proposal of the bill that I introduced. The bill was introduced at the request of a young high school student who dropped out of school. I would just like to state that I realize that there is another bill in study that is going to study SB 505, that was just passed a few minutes ago. But the bill doesn't address some of the good points that are in this bill that I would not like to see die. I would like an opportunity to be able to bring this back in a more, I guess, palatable way, so that the Senate can understand what the bill is trying to do. I would like to point out that this young man made a statement to the newspaper and he also made a statement to the Department of Education and Berlin High School. I will read you a portion of his statement and maybe then you can understand where I am coming from. "I am an 18 year old. I dropped out of school one year ago. I am a very capable young person who deserves a proper education. But because of my learning disability, I was placed into classrooms with mentally retarded and problem students. I am none of those types. Placing me in those situations not only dropped my self esteem, it also enraged me to the point where I was fit to be tied. So in turn, I acted aggressively toward students and faculty." At that point, this young man was labeled, "at risk." At risk students are students that the education system does not wish to deal with. When the student turned 16 years of age the student is discouraged from staying in school and encouraged to drop out of school. This young man goes on to say, "Eventually, after many trips to the school

psychologist and to the office, I turned 16, and was encouraged by the staff, to quit, rather than to improve or to excel. After 12 years of being called a bum, a moron, a loser, and being told that I would never have a life, I quit. Since then, I have obtained a GED and have completed a pre employment job training course. In one year, I have accomplished more than I ever had in 12 years of school." Because individuals took the time to address the needs of this student's problems, which should not have happened after he dropped out of school. And the student goes on to say, "I don't want to become another statistic earning minimum wage at a minimal job for lack of an education. I need the education if I were to go to college and if I am to excel, I have to go to school. I don't, excuse the pun here, Senator Barnes, but, I don't want to flip burgers at McDonalds for minimum wage." This is what this gentlemen is saying here, this is not what I am saying. But he just happened to use McDonalds as an example. I know, Senator Barnes, he could have said Burger King, but that is not what he said.

SENATOR BARNES: He can become a manager and he can make fifty grand a year.

SENATOR LAMIRANDE: Right. But he needs an education and a proper education to be able to do that. That is what the intent of the bill was. To put the responsibility on the state to educate their children to age 18 and not to encourage these students to drop out of school. That was the important part of the issue of the bill, and that is why I am asking that it go to interim study in order to be able to be a workable bill that everyone can agree on.

SENATOR DISNARD: I would like to speak to the motion and to the Senator's question. I would like to refer back to SB 505. SB 505 is not an interim study bill. It is a specific bill with a specific type. Outlining what the membership of the committee is, and it has specific duties. I do not have a problem, as the Chairman of the Education committee, in answer to Senator McLane. If this bill passes the House, and the Governor signs it, and this committee is enacted to instruct the members of the Senate that are on that committee to consider all of those situations. The reason that I say that is, that if it is an interim study, it kills it. But I think that it should be others than just the Senate Education committee. I would like the makeup of the Senator John King's SB 505 committee. Have I answered your question, Senator?

SENATOR MCLANE: Yes.

Substitute motion of interim study is adopted.

SB 737-FN-LOCAL, an act authorizing the state board of education to adopt rules relative to non-institutional private education programs and making private educators subject to certain education laws. Education Committee. Inexpedient to legislate. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 757-FN-A, an act relative to an education tax credit against the business profits tax. Education Committee. Ought to pass with amendment. Senator Disnard for the committee.

5216B

Amendment to SB 757-FN-A

Amend RSA 77-A:5, XI as inserted by section 1 of the bill by replacing it with the following:

XI. There shall be allowed a business-related education tax credit equal to 15 percent of the cost of tuition paid to accredited institutions by employers for the education or training of its eligible employees as defined in RSA 77-A:1, XXIII. In no event shall the credit allowable under this paragraph exceed 5 percent of the tax due under this chapter before any credits under RSA 77-A:5 are taken into account.

AMENDED ANALYSIS

This bill allows a credit against the business profits tax equal to 15 percent of the cost of tuition paid to accredited institutions by employers for the education or training of eligible employees. The credit is limited to 5 percent of the total tax due.

SENATOR DISNARD: I move the adoption of the committee report.

SENATOR BARNES: I have a simple question, Senator. I am looking at the fiscal note and it is dated 12/29/93. It tells us here that they are unable to complete a fiscal note for this bill as it is awaiting information from an agency. Can you answer this following question for me? Has the agency after three months, two months, or whatever, come up with an answer for this?

SENATOR DISNARD: In defense of the agency and not a criticism of the agency, I don't think the agency is able to determine at this time, without any experience, how many companies might wish to take advantage of this. I agree with why they could not submit an estimate, because I don't think that they have any basis, any formula, to give an accurate count, that we might find fault with if it were wrong.

SENATOR BARNES: Thank you very much.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 769-FN, an act dividing any budget surplus between the revenue stabilization reserve account and state aid to education. Education committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

SENATOR COLANTUONO: Senator King, does this bill have any requirement that the funds returned to the school districts be used solely for property tax relief?

SENATOR J. KING: No, it doesn't.

SENATOR COLANTUONO: Does this bill allow the state government to intercept these funds if there is an important state use or . . . the reason that I am asking is because I am reading the last few lines of the bill, which say, "the money shall be immediately distributed to school districts." Does that preclude the state from ever using any of this money?

SENATOR J. KING: What happens is it is a two year period. In other words, the money is distributed biennially. You have a two year period and then you have to wait the whole year, so that you know that there is a surplus or not a surplus, and the surplus has to be for the two year period.

SENATOR COLANTUONO: Thank you.

SENATOR COLANTUONO: I would just rise in opposition to the ought to pass motion on this bill, for the simple reason that the legislature has been playing around with the Rainy Day Fund now for a number of different years, and we are really getting to the point where we are forgetting the

original purpose of the fund, which was simply a management tool; a revenue management tool for the state government. We have cut it; we have taken the money, and we have done all kinds of things. Now we are putting into law an automatic formula where we are going to use one half of the surplus money and return it to the school districts. And assuming that you have a year where there is a lot of surplus and a lot of money goes back with no regulation on how they can use the money. I think that all of us understand that this money is going to be spent to inflate the school district's budgets. Then the question we have then is, what happens next year when there is no surplus and those budgets have to be maintained at the local level? Who is going to pick it up then? This bill has explosive possibilities for harm to our local districts and taxpayers. I oppose it.

SENATOR HOLLINGWORTH: Senator Colantuono, you stated that the Rainy Day Fund money has been being drawn away and lowered. Do you also agree that the money that is going back to the cities and towns has repeatedly over the years, been under estimated as to what they had anticipated receiving, and what we as a state had promised them in revenue sharing?

SENATOR COLANTUONO: Well, I am not sure how far back you want me to go, and I can only speak to the three years that I have been here.

SENATOR HOLLINGWORTH: Yes, and the answer?

SENATOR COLANTUONO: In the last three years? I think that the last three years that I have been here, it was pretty clear what the locals were going to get from us. That is what they got. Although we gave them back more last year.

SENATOR HOLLINGWORTH: But it was under funded. Revenue sharing was under funded. It was not full funded.

SENATOR COLANTUONO: As I said, I can't speak to that, because I have only been here for three years.

SENATOR HOLLINGWORTH: Thank you.

SENATOR PIGNATELLI: Senator Colantuono, is there anything in this bill that would prevent a local community from using that additional state aid to education on what they are spending in property taxes now? Lower property taxes and spend this money to help the budget, the current budget of the towns education?

SENATOR COLANTUONO: No, there is nothing in the bill that speaks to that issue at all. In other words, it doesn't prohibit them from doing it or require them to do it. Which is why, I think, the bill is flawed.

SENATOR PIGNATELLI: So therefore, schools would have the option of deciding for themselves whether they wanted to increase their budget or whether they wanted to keep their budget the same, and use this money to lower property taxes?

SENATOR COLANTUONO: Well that is the problem. The school districts, the districts themselves, the school boards, are able to bring this money in during the middle of a budget year and spend it or do whatever they want with it, I guess. I just don't see the safeguards here that I would think that we would want to put in.

SENATOR J. KING: Senator Colantuono, you made a statement that you would give this money TAPE INAUDIBLE. Would you believe that I didn't see anybody in the last year when \$10 million was sent back to be part of the Augenblick Formula, turning it back? All except for this TAPE INAUDIBLE knowing that it might not be there next year?

SENATOR COLANTUONO: Well, Senator, in answer to that; the way that the timing of that \$10 million, I think, was keyed. It was sent back to the cities and towns after they had all adopted their budgets. And with the exception of certain towns which we read about in the newspapers, most of them did apply it directly to property tax relief. But that was only \$10 million. We have the potential in some years of having fairly large surpluses. And by writing into law that one half of those surpluses go back directly, you could be talking about \$100 million not \$10 million.

SENATOR LOVEJOY: Senator John King, the way that this bill is structured, would this have the effect of a TAPE INAUDIBLE school spending one year, based on a heavy surplus and then making it more difficult for the communities to raise the taxes in order for them to meet that new figure in the coming year?

SENATOR J. KING: I would say no. It's the same position that I just took with Senator Colantuono. I don't think that there is any community out there that is so well off. If there is, there are very few of them, that couldn't use that money, even for that two year period that is going to be allowed, which is better than the one year period that we have with the \$10 million at the present time. In other words, they can use it, and they can plan as well as we can plan, that that might not be there next year. But there are things, whether it be libraries, books, furniture, or you name it, or even buildings, or even stuffing, that they could use it on and know that it is there for the next two years and plan for that, with the plan that that might not be there in later years.

SENATOR LOVEJOY: Would the Senator have any problem with not making this money available until after budgets had been set?

SENATOR J. KING: Well they would give you the money for a two year period as it stands now. And it is disbursed every two years at the end of the biennium, not annually. So I think that they will be able to plan. I don't think that the difficulty out there is how to plan your budget. They are doing a darn good job with the limited money that they have at the present time. So I think that this would be planned just as well if they have a large sum of money. I have faith in the people out there making budgets.

SENATOR LOVEJOY: Would you believe, Senator, that the real problem in the school spending and trying to get a dollar value, is a rapidly rising cost, and many times this is brought about by an abundance of money one year that becomes a fixed cost for the following year?

SENATOR J. KING: I believe that rising cost, not so much caused by the school, but outside taxes, whether it is the cost of the labor or the cost of the materials, whether it's the cost of this or the cost of that, the cost of living goes up. All of these costs go up and they blame it on education. It is not education. It is all of the outside forces that work in there that cause those costs to rise.

SENATOR HOLLINGWORTH: Senator Colantuono, you suggested that there could be a surplus of \$100 million. Isn't it true that the money that the state receives comes from the citizens of the state?

SENATOR COLANTUONO: Yes, that is correct.

SENATOR HOLLINGWORTH: And if that is true, wouldn't it be true that any surplus should be shared with the citizens of the state?

SENATOR COLANTUONO: Senator Hollingworth, the legislature passed a Rainy Day Fund for state revenues for the purpose of stabilizing the

state's fiscal situation. When the state assesses taxes, it does it for the state, not for the local school districts, except for what this legislature sends back by way of Augenblick. I would be much more comfortable debating a bill about funding Augenblick in a higher manner on a regular basis, rather than using this and dipping into the state's Rainy Day Fund, which may result in a roller coaster ride for our local school districts.

SENATOR W. KING: A couple of quick points. First of all, this bill still recognizes the importance of the Rainy Day Fund in terms of making sure that New Hampshire's fiscal house is in order. Specifically, the way that it works is that when there is a budget surplus, and when that surplus is certified by the Treasurer, one half of the funds go into the Rainy Day Fund and one half go into this fund to help communities with the cost of education. They are disbursed fifty percent the first year and fifty percent the second year, so that the communities are able to plan in their budget for a two year cycle. They are able to count on those dollars for a minimum of two years in any budget cycle that they confront. Taxes are an end, not a means. When we raise taxes or when we lower taxes in the state of New Hampshire, we do that because it reflects our ability to pay for the services that the state has chosen to provide. If we have a surplus, that means that we have raised too much in taxes from the people in the state of New Hampshire. Not intentionally, but we have. It is only logical then, that we find a rational, reasonable way to return that money to them. That is exactly what this bill does. It says that we will put some aside in the Rainy Day Fund to make sure that we don't have to raise taxes in the future as a result of poor budget conditions. But it takes the balance and says that that will be returned to the cities and towns over a two year period; in a way that allows them to responsibly adjust their budgets, and it reduces property taxes, hopefully. Now, Senator Colantuono has brought up the issue about putting strings on the money so that we know how it is being used. This is the second time today that I have heard somebody say that we ought to take over the decision making for local communities about these kinds of issues. Local control is not an issue that we sort of throw away when it doesn't fit our ideological opinions. We all believe in local control. It ought not be subjected to ideological tests like this. The fact is, that if a community needs to add computers, they know that that is their need, and that is what they will choose to spend the money on. But if they want to reduce their property taxes, that is their decision as well. I don't think that we ought to be making that decision for them. What this bill does, is to provide a mechanism where we recognized that we have raised too much in taxes from the people, and we are therefore able to return those funds to communities to reduce the cost of public education.

SENATOR PIGNATELLI: I wanted to speak about this issue. Most of you have already said what I would like to say about this bill. I would just like to say that I think that by using the revenue stabilization, Rainy Day Fund, is a wonderful way to water our children.

Question is on the committee report of ought to pass.

A roll call was requested by Senator W. King.

Seconded by Senator Shaheen.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Blaisdell, Baldizar, Pignatelli, McLane, Barnes, J. King, Russman, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: Wheeler, Colantuono, Podles, Delahunty.

Yeas: 19 - Nays: 4

Committee report of ought to pass is adopted.

Referred to the Division on Finance (Rule #24).

SB 780, an act expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions. Education Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 796, an act allowing the state board of education to solicit funds to implement character and citizenship education. Education Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 502-FN, an act requiring that a part-time state employee be paid for sick leave accumulated after the equivalent of 6 months of employment. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Fraser for the committee.

Senator J. King moved to have **SB 502-FN**, an act requiring that a part-time state employee be paid for sick leave accumulated after the equivalent of 6 months of employment, laid on the table.

SENATOR J. KING: I would like to table this while I prepare an amendment.

Adopted.

LAI D ON THE TABLE

SB 502-FN, an act requiring that a part-time state employee be paid for sick leave accumulated after the equivalent of 6 months of employment.

SB 527, an act relative to terms of legislative members of the state board of claims. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Fraser for the committee.

5202B

Amendment to SB 527

Amend the title of the bill by replacing it with the following:

AN ACT

relative to terms of legislative members of the state board of claims and relative to the jurisdiction of the board of tax and land appeals.

Amend the bill by replacing all after section 1 with this following:

2 Jurisdiction; Board of Tax and Land Appeals. Amend RSA 71-B:5, I to read as follows:

I. To hear and determine all matters involving questions of taxation properly brought before it. Such matters may be brought before the board at the pleasure of the taxpayer or as otherwise provided by law. In determining matters before it, the board may institute its own investigation, or

hold hearings, or take such other action as it shall deem necessary. ***The board shall cease to have jurisdiction in any matter on the date on which a settlement is agreed to by the parties involved.***

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows a legislative member of the state board of claims who has completed one 6-year term on the board to serve an additional 6-year term.

The bill also prohibits the board of tax and land appeals from taking jurisdiction of tax cases in which the parties have reached a settlement.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 544-FN-LOCAL, an act relative to the requirements for sprinkler systems. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

4678B

Amendment to SB 544-FN-LOCAL

Amend the bill by replacing section 1 with the following:

1 Rules Changed. Amend RSA 153:5 to read as follows:

153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt the most recent edition of the provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in areas of buildings or additions, in which the discharge of water would be undesirable as determined by the state fire marshal, or in [rooms or areas containing either generators, transformers, telecommunications equipment or facilities or electronic data processing equipment, or in facilities in which rooms or areas are protected with an automatic fire alarm system] ***telecommunications or electric utility company's equipment buildings or areas occupied exclusively for telecommunications equipment, electrical transformation and switching equipment, associated electrical distribution equipment, batteries and standby engines or generators, provided, that those spaces or areas are equipped throughout with an automatic fire detection system.*** The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures or equipment. The fire marshal may exempt a building, structure or equipment from such rules if he finds that such exemption does not constitute a hazard to the public welfare and

safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

AMENDED ANALYSIS

This bill allows automatic waiver from the sprinkler system requirement in the Life Safety Code in cases in which there is telecommunications or electrical distribution equipment, certain other electrical equipment, or in an electric utility company's equipment buildings if there is an automatic fire detection system.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 575-FN, an act modifying the dental practice act. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Bourque for the committee.

4626B

Amendment to SB 575-FN

Amend the bill by replacing section 2 with the following:

2 Inactive Practitioner; Fee Reduction Deleted. Amend RSA 317-A:16 to read as follows:

317-A:16 Inactive List. A dentist or dental hygienist licensed under this chapter who does not actively engage in [the] **such** practice [of his profession] in New Hampshire within 2 years of the date of issuance of [his] **such** license shall have [his] **the licensee's** name transferred to an inactive list and shall be required to register biennially and pay [a] **the inactive** registration fee [which is 75 percent of the active registration fee] as long as [he] **the licensee** remains inactive. Any dentist or dental hygienist whose name has been included in the inactive list as [herein] provided **in this section** shall be restored to active status by the board upon the filing of a written request with the board and the furnishing of evidence of continuing competence satisfactory to the board and the furnishing of evidence to the board of continuing ethical and professional character satisfactory to the board and upon payment of the required full registration fee that has been established by the board. The provisions of this section may be waived by a vote of the board in extenuating circumstances provided a written request is made to the board prior to the fact.

AMENDED ANALYSIS

This bill provides that new licensure requirements shall be met by those who allow their licenses to lapse, deletes the provision requiring the inactive registration fee to be 75 percent of the active registration fee, specifies guidelines for infection control, and makes a technical correction changing the terms "widow" and "wife" to "spouse."

This bill was requested by the New Hampshire board of dental examiners.

SENATOR BOURQUE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 581, an act to regulate the bundling of campaign contributions made to candidates. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 626-FN, an act abolishing certain state agency positions when current employees have left the positions, unless the general court reestablishes the positions. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Currier for the committee.

5206B

Amendment to SB 626-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Abolishing Certain Positions. Amend RSA 21-I by inserting after section 54 the following new section:

21-I:54-a Abolition of Positions.

I. In each state agency the positions of assistant commissioner, assistant director, assistant administrator, assistant supervisor, assistant chiefs, and deputies shall be abolished when the employees holding such positions after the effective date of this section leaves such positions. None of these positions shall be reestablished unless specifically authorized by law.

II. When the legislature is not in session, if any of the positions in paragraph I become vacant and the agency head believes the loss of that position would be detrimental, even for the grace period it takes to review the need for the position, the agency head may request authorization from the joint fiscal committee to continue the position until the review has been completed by the legislature.

III. During the legislative sessions, if any of the positions in paragraph I become vacant, the agency head may request the appropriate legislative standing committee to introduce legislation which would expedite the process of review of a vacant position.

IV. No position which has been reviewed and maintained by the legislature shall be reviewed again within a 5-year period.

AMENDED ANALYSIS

This bill abolishes certain state agency positions when current employees have left the positions, unless the general court reestablishes the positions. Under this bill, any position which has been reviewed and maintained by the legislature shall not be reviewed again for 5 years.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 688-LOCAL, an act relative to redemption of property subject to tax liens for the elderly and disabled. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Bourque for the committee.

5207B

Amendment to SB 688-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Tax Sale or Tax Lien Procedure Authorized. Amend RSA 72:38-a, V to read as follows:

V. When the owner of a property subject to a tax lien dies, the heirs, heirs-at-law, assignee or devisee shall have first priority to redeem the estate by paying in full the tax lien plus any interest due. *If the heirs, heirs-at-law, assignees or devisees do not redeem the property within 6 months of the date of death of the property owner, the municipality may commit the accrued amount of the lien to the collector of taxes with a warrant signed by the assessing officials requiring him or her to collect it; and the collector of taxes shall have the same rights and remedies in relation thereto as provided in RSA 76:13 and RSA 80. Prior to holding a tax sale or executing a priority tax lien under RSA 80:59, the collector shall, at least 30 days prior to such tax sale or tax lien execution, send notice by certified or registered mail, to the last known post office address of the current owner, if known, or to the last known address of the deceased taxpayer, and to all mortgagees from whom permission has been sought pursuant to paragraph IV of this section. Any person with a legal interest in the property may redeem it, either prior to the tax sale or tax lien execution, or subsequently as set forth in RSA 80:32 or RSA 80:69.*

2 Transition. For any property upon which a municipality holds an unredeemed tax lien granted pursuant to RSA 72:38-a, and the applicant has died prior to the effective date of this act, the 6-month period as provided in section 1 of this act, after which the amount may be committed to the collector of taxes, shall be deemed to begin upon the effective date of this act.

3 Effective Date. This act shall take effect January 1, 1995.

SENATOR BOURQUE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 693, an act relative to a study of the requirement for a work certificate under the youth employment law. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of inexpedient to legislate.

SENATOR MCLANE: We had decided not to send that bill to study because we feel that the other study committee will sufficiently cover the topic of work study certificates for youth. Also, the bill was drafted wrong. So for that reason, we are perfectly happy to let it go as inexpedient. I am sorry that I didn't tell everybody.

Committee report of inexpedient to legislate is adopted.

SB 718, an act relative to the real estate appraiser board. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 741-FN, an act allowing any person with a direct or indirect interest in a decision by the real estate commission to appeal such decision. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 802, an act relative to real estate appraisers. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Lovejoy for the committee.

Senator Shaheen moved to have **SB 802**, an act relative to real estate appraisers, laid on the table.

Adopted.

LAID ON THE TABLE

SB 802, an act relative to real estate appraisers.

SB 803, an act relative to land surveyor licensing examinations and examination fees. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Colantuono for the committee.

4943B

Amendment to SB 803

Amend the title of the bill by replacing it with the following:

AN ACT

relative to land surveyor licensing examinations.

Amend the bill by replacing all after the enacting clause with the following:

1 Three Examination Failures Require Additional Requirements Prior to Reexamination. Amend RSA 310-A:66, II to read as follows:

II. Examinations shall be held at such time and place as the board shall determine. The scope of the examination and the method of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination at the expiration of 6 months. Subsequent examination will be granted upon payment of a fee to be determined by the board. ***A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to take the examination again.***

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires an applicant who has failed the examination 3 consecutive times to provide evidence of additional experience, study, or education before being eligible for reexamination.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 516, an act making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case. Judiciary Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 609, an act providing extended terms of imprisonment for certain DWI offenses. Judiciary Committee. Ought to pass with amendment. Senator Colantuono for the committee.

5178B

Amendment to SB 609

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Extended Terms of Imprisonment; DWI. Amend RSA651:6, I by inserting after subparagraph (i) the following new subparagraph:

(j) Such person has been convicted of negligent homicide pursuant to RSA 630:3, II, or a similar statute in another state, or aggravated DWI pursuant to RSA 265:82-a, I(b) or RSA 265:82-a, II(b) and has previously been convicted of one or more offenses under RSA 265:82 or RSA 265:82-a or one or more similar offenses in any other state.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 611, an act relative to the penalty for habitual offenders convicted of driving while intoxicated and home confinement. Judiciary Committee. Ought to pass with amendment. Senator Podles for the committee.

5171B

Amendment to SB 611

Amend RSA 651:2, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In cases of persons convicted of felonies or misdemeanors, or in cases of persons found to be habitual offenders within the meaning of RSA 259:39 and convicted of an offense under RSA 262:23, the sentence may include, as a condition of probation, confinement to a person's place of residence for not more than one year in case of a misdemeanor or more than 5 years in case of a felony. Such home confinement may be monitored by a probation officer and may be supplemented, as determined by the department of corrections or by the county department of corrections, by electronic monitoring to verify compliance. *If the habitual offender is convicted of an offense under RSA 262:23 and has been adjudicated an habitual offender based upon a prior conviction under RSA 262:23 or any misdemeanor, or felony motor vehicle conviction pursuant to RSA title XXI, a sentence including residence confinement shall be in addition to any sentence under RSA 262:23.*

SENATOR PODLES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 661, an act preventing strategic lawsuits against public participation. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: Mr. President, SB 661 was a request from concerned citizens for a safe environment from Raymond along with Senator Barnes. A slapp suit is the use of a law suit as a strategic weapon to muzzle participation in a public controversy. It is to silence and intimidate the opposition. The well funded developer of big business can effectively muzzle

the first amendment rights of opponents by maintaining a costly defamation suit. We were told that 25 percent of slapp suits come from zoning alone. The legislation creates a course of action for the defendants and the potential defendants. It gives the court the authority, the guidelines that it did not have before. The legislation moves the power balance and should result in destroying the incentive of making a slapp suit threat. It will protect the rights to protest. California, New York, Washington, Connecticut, Rhode Island have adopted such legislation. SB 661 is drafted after the California law. Mr. President, the committee requests an opinion as to the language and constitutionality of this question from the Supreme Court.

Senator Colantuono moved to have **SB 661**, an act preventing strategic lawsuits against public participation, laid on the table.

Adopted.

LAID ON THE TABLE

SB 661, an act preventing strategic lawsuits against public participation.

SB 663, an act relative to wiretapping. Judiciary Committee. Ought to pass with amendment. Senator Baldizar for the committee.

5176B

Amendment to SB 663

Amend RSA 570-A:2, II(j) as inserted by section 1 of the bill by replacing it with the following:

(j) Any person who believes that he or she is a victim of abuse as defined in RSA 173-B:1, I, stalking as defined in RSA 633:3-a, or sexual harassment as defined in RSA 354-A:7, V and who is not acting under color of state law to intercept a wire or oral communication involving the alleged perpetrator's alleged violation, if such person is a party to the communication or one of the parties to the communication has given prior consent to the interception unless such communication is intercepted for the purpose of committing any criminal or tortuous act in violation of the constitution, the laws of this state or the United States. Evidence obtained under this subparagraph may only be used in an action brought under RSA 173-B:1, RSA 354-A, or in a criminal case.

SENATOR BALDIZAR: This bill would bring New Hampshire's statutes more in line with what the current federal law allows. Currently, a person cannot tape another conversation with another individual unless both parties agree to the recording. In cases where a person is being harassed or threatened, or had a protective order issued against another person, New Hampshire's requirement has become a burden to people who are trying to prove that the harassment is continuing or that the threats are taking place. Federal law allows that only one party needs to get permission to have the tape recording take place. This bill would only apply in the cases of stalking, sexual harassment or abuse. The amendment further clarifies that it must be the actual parties involved in the conversation and not someone who may have overheard the conversation, and it can't be a third party. It also clarifies that the recording can only be used in a criminal investigation or an action brought under the domestic abuse or stalking laws. The committee recommends ought to pass with amendment. I also should say that this is a bill that has come out of Judge Kelly's Domestic Violence Committee. Thank you.

Amendment adopted.

Ordered to third reading.

SB 705, an act requiring in domestic cases that a child be allowed unsupervised visitation with the non-custodial parent unless that parent has been convicted of a felony or felony criminal charges are pending, or unless there is a finding of child abuse or neglect or allegations of child abuse or neglect are pending. Judiciary Committee. Ought to pass with amendment. Senator Colantuono for the committee.

5162B

Amendment to SB 705

Amend the title of the bill by replacing it with the following:

AN ACT

providing that in domestic cases there shall be a presumption that it is in the best interest of a child to have regular, unsupervised visits with both parents.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Non-custodial Parent Entitled to Unsupervised Visitation. Amend RSA 458:17 by inserting after paragraph IV the following new paragraph:

IV-a. There shall be a presumption that it is in the best interest of a child to have regular, unsupervised periods of physical custody or visitation, as may be applicable, with both parents. Any order which does not provide for such visitation shall state the reasons for the denial.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill provides that in domestic cases there shall be a presumption that it is in the best interest of a child to have regular, unsupervised visits with both parents, and any order which does not provide for such visitation shall state the reasons for the denial.

SENATOR COLANTUONO: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 758-FN, an act relative to a civil filing fee surcharge for civil legal assistance to low-income persons. Judiciary Committee. Majority Report: Ought to pass with amendment. Senator Hollingworth for the committee. Minority Report: Inexpedient to legislate. Senator Colantuono for the committee.

5167B

Amendment to SB 758-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

SENATOR MCLANE: TAPE INAUDIBLE. With the cases growing, the cases have doubled and the staff shrinking, we must do something. And let me tell you what he was concerned about. Thirty five percent of the cases heard before the courts now are what they call 'pro se' cases. I had to ask the Chief Justice what it meant. You can see how washed I am. It means that people go up and take the case themselves because they can't have a lawyer. And it costs all of us money, because it costs time, and it costs the courts to explain to somebody, no, you have to sit down now, you can't say this, you have to do that. Pro se is an expensive new thing that is happening in New Hampshire, and it is happening because there aren't enough

good legal aid people to take care of those in need in New Hampshire. If democracy is going to work, we have to fund it. This is a quick and easy way to do it, and I think that we should get on with it.

A roll call was requested by Senator Baldizar.

Senator Baldizar withdrew the request for a roll call.

Amendment adopted.

Question is on ordering to third reading.

A roll call was requested by Senator Baldizar.

Seconded by Senator Cohen.

The following Senators voted Yes: Lamirande, W. King, Disnard, Roberge, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Russman, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Currier, Wheeler, Colantuono, Podles, Barnes, Delahunty.

Yeas: 14 - Nays: 9

Motion of Ordering to third reading is adopted.

SB 798, an act increasing the exemption amount from attachment and execution for certain personal property. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 523, an act relative to the confidentiality of proceedings of hospital and medical review committees. Public Institutions, Health and Human Services Committee. Inexpedient to legislate. Senator J. King for the committee.

Senator J. King moved to have **SB 523**, an act relative to the confidentiality of proceedings of hospital and medical review committees, laid on the table.

Adopted.

LAID ON THE TABLE

SB 523, an act relative to the confidentiality of proceedings of hospital and medical review committees.

SB 576, an act relative to disease control. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator Wheeler for the committee.

5177B

Amendment to SB 576

Amend the bill by replacing all after section 1 with the following:

2 Clarification. Amend RSA 141-C:9 to read as follows:

141-C:9 Investigations; Examinations.

I. The director or [his] designee may investigate [the outbreaks] *incidents* of communicable diseases [reported under RSA 141-C:7 or which are otherwise brought to his attention as a threat to the health of the public]. Such investigations shall include, but not be limited to, requiring additional information and periodic reports from the reporting official, interviews with

reporting officials, their patients, and other persons affected by or having information pertaining to the communicable disease, surveys of such individuals, inspections of buildings and conveyances and their contents, and laboratory analysis of samples collected during the course of such inspections. The director shall adopt such rules as are necessary to carry out investigations with due regard for the rights of person and property. The director may call upon health officers, as authorized by RSA 141-C:5, I, to assist in such investigations.

II. Any person having or suspected of having a communicable disease, any person who is a communicable disease carrier or contact or any person who is suspected of being a communicable disease carrier or contact shall, when requested by the director or [his] designee, submit to a physical examination for the purpose of determining the existence of a communicable disease. Such persons shall submit specimens of body secretions, excretions, body fluids, and discharges for laboratory examinations when so requested by the director or [his] designee.

3 Protecting Public Health Added. Amend RSA 141-C:10, I to read as follows:

I. A report provided to the director under RSA 141-C:7, and any information gathered during investigations or examinations carried out under RSA 141-C:9 and RSA 141-C:18 which identifies the individual investigated or examined, shall only be released to persons demonstrating a need which is essential to health-related research *or to protecting the health of the public*. Any release of information under this section shall be conditioned upon the personal identities remaining confidential.

4 New Section; Injunctive Relief. Amend RSA 141-C by inserting after section 22 the following new section:

141-C:23 Injunction. A civil action may be instituted in superior court on behalf of the division for injunctive relief to prevent the violation of the provisions of this chapter or rules adopted under this chapter. The court may proceed in the action in a summary manner or otherwise and may enjoin in all such cases any person in violation of any provisions of this chapter or its rules.

5 New Paragraph; Rulemaking Added. Amend RSA 141-F:4 by inserting after paragraph V the following new paragraph.

V-a. Procedures for investigations and criteria for notification under RSA 141-F:9.

6 Reference Addition; Release of Confidential Information. Amend RSA 141-F:8, I to read as follows:

I. The identity of a person tested for the human immunodeficiency virus shall not be disclosed except as provided in RSA 141-F:7 and RSA 141-F:8, III [and], IV *and* V.

7 New Paragraph; Disclosure Allowed. Amend RSA 141-F:8 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding RSA 141-C:10 and paragraph I of this section, the identity of a person tested for the human immunodeficiency virus and found to be infected may be disclosed to a blood bank, blood center, plasma center, or other agency which receives blood donations, provided that the information remains confidential and protected from inadvertent or unwarranted intrusion or disclosure.

8 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill clarifies the law relative to communicable disease and provides for injunctive relief to prevent violations of such law.

This bill allows a person's identity to be disclosed to blood banks and other agencies which receive blood donations if such person tests positive for the human immunodeficiency virus, provided that such information is treated as confidential.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 580-FN, an act exempting special activities programs from state child day care licensing requirements. Public Institutions, Health and Human Services committee. Ought to pass with amendment. Senator Podles for the committee.

5179B

Amendment to SB 580-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study future directions for
New Hampshire child care licensing policies.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Purpose; Membership. A committee is established to study future directions for New Hampshire child care licensing policies. The committee shall consist of the following members:

I. Two members of the senate, appointed by the senate president.

II. Two members of the house of representatives, appointed by the speaker of the house.

III. Two representatives from the department of health and human services, appointed by the commissioner.

IV. The chairperson of the New Hampshire child care advisory committee, or designee.

V. The New Hampshire coordinator for school-age child care, or designee.

VI. The chief of community recreation, New Hampshire division of parks and recreation, or designee.

VII. The executive secretary of the New Hampshire Boys and Girls Clubs Area Council, or designee.

VIII. The president of the New Hampshire Parks and Recreation Association, or designee.

IX. A postsecondary professor of early childhood education, appointed by the executive director of the postsecondary education commission.

X. A parent whose child is presently involved in child care services or related programs, appointed by the governor.

XI. A representative from a religious organization involved with child care services or programs, appointed by the governor.

2 Duties; Report. The committee shall:

I. Study the issue of exemptions from child care licensing regulations.

II. Study the variety of child care programs presently operating in New Hampshire and make recommendations for classifying these programs for regulatory purposes.

III. Provide recommendations for appropriate legislation relating to child care licensing regulation.

IV. Issue a report including recommendations for appropriate legislation. The report shall be submitted to the governor, the president of the senate, the speaker of the house, and the state board of education no later than November 1, 1994.

3 Meetings; Chairperson.

I. The first-named member of the house shall call the first meeting within 30 days of the effective date of this act.

II. A chairperson shall be elected by the members of the committee.

III. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study future directions for state child care licensing policies and regulations.

SENATOR PODLES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 723-FN-LOCAL, an act expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns. Public Institutions, Health and Human Services committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 753-FN-A-LOCAL, an act relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator McLane for the committee.

5131B

Amendment to SB 753-FN-A-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Economic Self-Sufficiency for AFDC Recipients. Amend RSA 167 by inserting after section 68 the following new subdivision:

Economic Self-Sufficiency for AFDC Recipients

167:69 Findings and Purpose. The general court finds that elements of the New Hampshire program for Aid to Families with Dependent Children (AFDC) have caused members of families receiving AFDC who attempt to enter the workforce to face program penalties at a time when they should be receiving program support. Poor families can best be assisted in making a successful transition from public assistance to self-sufficiency when programs remove barriers and penalties for those who struggle for a better way of life for themselves and their children. Such persons should be provided financial and other self-development supports, including a range of educational and vocational training options needed to target well-paying employment opportunities. The following measures are intended to

improve the rate at which low-income families are able to make the transition from public assistance to employment that produces a living wage. The following measures also simplify and streamline the AFDC eligibility determination process to decrease administrative costs and error rates and to allow greater agency focus on promoting long term self-sufficiency.

167:70 AFDC Employment Support and Economic Development Demonstration Project. The director of the division of human services shall request a federal waiver or waivers and adopt rules under RSA 541-A as necessary to institute a statewide demonstration project for families receiving AFDC as follows:

I. The goal of the demonstration project shall be to increase the percentage of families that become economically independent from public assistance and general assistance programs by improving the way New Hampshire's AFDC program treats families that seek to prepare for and enter employment and to provide sufficient financial and other supports for these families.

II. The project shall eliminate the requirement that the principal wage earner in a family work less than 100 hours per month in order to be eligible to receive AFDC-UP (Unemployed Parent).

III. The project shall exclude one automobile per household from countable resources.

IV. The project shall establish a component of the JOBS program, or the successor to the JOBS program, that allows AFDC recipients to fulfill JOBS requirements and receive JOBS services by participating in a privately administered and state approved self-employment investment program that provides small business loans of up to \$5,000 to enable participants to start micro-businesses, including in-home businesses. Participants shall receive case management, self-employment training and technical assistance, and supportive services funded through the JOBS program. The division of human services shall allocate, on an annual basis, \$250,000 for the purpose of funding case management, self-employment training and technical assistance, supportive services, and loan administration services. These services may be provided on a contract basis by private, non-profit agencies with access to loan capital. The director is authorized to seek, apply for, and receive private grants or charitable contributions in support of this program.

V. The project shall amend the rules governing the AFDC asset limit or exclusions from countable resources to allow families receiving AFDC to accumulate assets of up to \$10,000. This is intended to allow families to remain eligible for AFDC that obtain small loans and acquire capital assets to start a business, to cover special expenses associated with qualifying for or beginning employment, and to allow families to set up business checking accounts. It is also intended to allow older children in AFDC eligible families to save employment earnings or gifts for education. The project shall also amend the AFDC lump sum rule to allow families to receive a lump sum payment of up to \$10,000 without terminating AFDC benefits if the family establishes that this sum is being saved for education of a family member, to start a business, or to cover special expenses associated with qualifying for or beginning employment. The project shall also assure that participants may deduct from countable income business expenses for purchases of capital equipment and inventory.

VI. The director shall request any necessary federal waivers within 90 days of the effective date of this act. If the necessary federal waivers are granted, the state treasurer shall establish the fund required under paragraph IV and the director shall adopt rules under RSA 541-A, to be made effective July 1, 1995, implementing the project.

VII. The project may include a control group only if necessary to obtain any needed federal waivers. If a control group is necessary, it shall be no larger than necessary to meet federal standards.

167:71 Rulemaking. The director of the division of human services shall adopt rules pursuant to RSA 541-A which:

I. Make available an additional year of child day care and transportation assistance for post-secondary education to JOBS program participants who have received the limit of support services under state policy as it existed in January 1, 1994, if job development and placement and job search activities are not sufficient to secure employment that produces a total household net income that meets the basic living needs of the household, and if it is determined that such additional assistance is consistent with the employability plan and would materially enhance the probability of securing adequate employment;

II. Provide additional work-related support services with JOBS funds to help families meet extra expenses that accrue when a member begins employment. Specifically, in addition to providing assistance with supplies, tools of the trade, and required uniforms or specialized clothing, assistance with one-time work-related expenses for auto repair or registration and other transportation costs shall also be provided;

III. Provide 90 days of case management and transitional support services when a family in the JOBS program exits AFDC due to earnings;

IV. Extend the special reimbursement rates for child care expenses paid to or on behalf of AFDC financial assistance recipients to households leaving AFDC due to increased earnings for a period of 12 months after leaving AFDC;

V. Extend AFDC-UP (Unemployed Parent) transitional assistance for a 6 month period after a principal wage earner begins working 100 hours or more a month if the family is still financially eligible for AFDC; and,

VI. Consolidate the shelter component and the maintenance component of the AFDC standard of need and payment standard, to simplify eligibility determination, reduce error rates, and to allow those who manage to save on their housing costs to realize a financial benefit from so doing.

VII. Provide non-mandatory support groups and mentoring assistance for persons participating in the JOBS program, newly employed AFDC recipients and persons whose AFDC has been terminated within the last 12 months due to earnings. The support groups and mentoring assistance shall provide assistance and support in such areas as benefits planning, parenting while working, budgeting, and negotiating conflicts at home and in the workplace.

VIII. If federal law permits and no significant loss of federal financial participation would result, the director of the division of human services shall adopt rules pursuant to RSA 541-A which implement the AFDC self-employment investment program described in RSA 167:71 in advance of the granting of the federal waiver request required under RSA 167:71 or in the event that such waiver request is denied. Included in such rules shall be measures to:

(a) Allow individuals to set up a separate business bank account that is excluded from countable resources.

(b) Exclude business assets in determining resources under the asset limit.

(c) Allow self-employed individuals to use the accrual method of accounting, so that money in a bank account can be carried over and excluded from countable income as long as it can be matched with legitimate payables or forthcoming expenses, or saved in an unencumbered cash reserve, to be used for future investment in the business.

(d) Modify the definitions of "capital assets" and "tools of the trade" to allow self-employed individuals the maximum flexibility in acquiring assets.

2 New Section; Administration of General Assistance. Amend RSA 165 by inserting after section 2-c the following new section;

165:2-d Eligibility for General Assistance. General assistance shall not be administered in such a way as to deny assistance to any otherwise eligible person on the basis that he or she is a student if such person is presently unable to obtain employment that meets the basic living needs of his or her household and if the course of studies that such person is pursuing is reasonably calculated to lead to employment which will prevent the continued need for public assistance. This may include but not be limited to any course of studies being pursued in connection with the Job Opportunities and Basic Skills program, the Job Training Partnership Act, the department of vocational rehabilitation, or any other federal or state employment-related education and training program.

3 Appropriation. The sum of \$1,500,000 for the fiscal year ending June 30, 1995 is hereby appropriated to the division of human services for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1994.

SENATOR MCLANE: This bill has been described by the sponsors and by people such as the Women's Lobby and the Legal Assistance, as the most important bill of the session. It is an attempt to promote self economic, self sufficiency for those receiving AFDC. It is an important bill and I would ask you to vote for it. It will go down to Finance. The fiscal note was cut from what it originally was, down to 18 positions. It is hoped that this bill would eliminate some of the problems that welfare mothers have going onto jobs and keeping their medical insurance. I would hope that you would vote for it.

SENATOR WHEELER: I wish that I could characterize this bill the way that Senator McLane did, but I characterize this bill as the biggest boondoggle of the taxpayers this year. What this bill does is it allows welfare recipients to shelter \$10,000 in cash for the purpose of starting a business or for a family member to put it aside for college. The bill also exempts and provides money for supplies, tools of the trade, work uniforms, clothing, assistance with one time work related expenses, for auto repairs or to register their vehicle. This bill as it originally came in in 1996 had a \$6 million fiscal note. The bill also adds one year of college for welfare recipients. They are currently allowed two years and an Associates Degree. The original bill would give them two more years for a Bachelors Degree. The amendment gives them one more year of college. This bill should be found inexpedient to legislate. It is a slap in the face to those people who start from the ground up and work their way through school and work 60 hours a week to get where they have. I think, personally, that this bill is going to encourage more people to get onto welfare than to get off.

SENATOR W. KING: Today under the welfare laws that exist in the state of New Hampshire, if the child of a welfare recipient, an AFDC recipient, gets a job and starts to save for college, as soon as they have accumulated a few dollars in a bank account, they make their family ineligible to receive assistance, because they want to save to make their life better. Now is that absurd? Today under the system that we have, if a mother or a father purchases a computer so that they can start an in-home business so that they can get their family off welfare, we take away the AFDC payments because their asset level becomes too high. We have a system that enslaves people rather than empowers people. That is what we are trying to do something

about on the national level, Republicans and Democrats alike, and that is what we are trying to do something about here, in the state of New Hampshire. This bill takes the first step in that direction. It is fiscally responsible. It will be reviewed by the Fiscal committee in that area, but it allows people to get off the system. We have spent a lot of money over the last six years on what is, arguably, corporate welfare, to try and spur economic growth. I have supported most of those initiatives, because we want to make sure that people do well. But there are 35,000 people in the state of New Hampshire who are outside of the economic mainstream, with no hope of getting in under the system that we currently have. We have got to provide them with a ladder out of poverty. We have got to help their kids save for college so that they never find themselves in the position that their family is in now. This bill does that, and it doesn't cost very much money. Most of what it asks for is for the department to purely seek waivers so that they can do things a little bit differently and stop worrying about crossing every 'T' and dotting every 'I' and start worrying about putting people back to work.

SENATOR BARNES: Senator King, I heard you mention that if some person was saving his or her money, one of the children or one of the recipients, to go to college, they would lose their rights. Now did you hear what Senator Wheeler said, that presently they get two years of college under this? Can you tell me how that ties together?

SENATOR W. KING: The recipient, under current programs that are federally funded, there are some educational benefits to individuals who go back to school so that they can become eligible for the job market if they don't have the skills. What I am saying, Senator Barnes, is that under the current system, if their child is saving for college so that child, he or she, is able to go to college, they make the family ineligible under the current system. That is why there is the provision to allow a certain amount of money to exist in their bank account. It is being used specifically for them to establish their own business or for a child's education. It is very specific in terms of any assets that they accumulate. They have to be related to either education or starting a business. So we are not saying here, go out and do whatever you want and come up with a whole bunch of money and you don't have to be accountable for the fact that that money is in the bank. We are asking them to make their lives better. Let your child make his or her life better and that we will support you in that effort.

SENATOR BARNES: Thank you, Senator King. I have a second question for you. I have a report here from the committee. In this report that I have, it says, under funding . . . I heard you say that it doesn't cost a lot of money and this is sort of bugging me a little bit, because what I am reading here is a lot of money to me. It might not be to you, but it is to me. "According to HHS, the bill will cost \$4.5 million in fiscal year 1995."

SENATOR W. KING: That has been amended, Senator Barnes. That is not the amount of money that we are talking about. We don't have a fiscal note, but I think that it is a third of that now.

SENATOR BARNES: So that means that it is about \$1.3 million?

SENATOR W. KING: Right.

SENATOR BARNES: These dollar signs say that that is still a lot of money in my book.

SENATOR W. KING: I believe that this bill will save far more than that in the long run. One of the provisions of this bill and the provision that inflates the cost to some extent, is the provision for providing the resources

available for these people to start businesses. It is a pilot project. But there is currently a project that is similar to that that is going on in the state of New Hampshire, it is called Working Capital. The default rate in Working Capital is one percent. Far better than any bank in the state of New Hampshire; and they have, I believe, worked with 350 families to date. We have information out of Minnesota that invested, I believe that it was Minnesota, I may be wrong about the state. But they invested about \$500,000 in a similar program which is the amount that we are talking about. The result of that was a savings of \$3 million because of the families that they were able to move off AFDC who then became taxpayers, and that doesn't even account for the taxes that they were able to collect from those taxpayers. So the net effect of this bill, while, yes, there is an expenditure, the net affect will be that the state will save money in the long run and probably in a very short period of time.

SENATOR BARNES: Thank you.

SENATOR WHEELER: Senator King, on page two of the amendment, paragraph V, it talks about the \$10,000 that the family can accumulate in assets and this is intended to allow families to remain eligible for AFDC to either get loans or to save the money for college. What I want to know is, where is the penalty in the bill, if these people put this \$10,000 aside and finish their training and then spend it for something other than for college or to start their business?

SENATOR W. KING: Senator Wheeler, I would suggest that if you have a problem with that, that you approach the House, and ask them to put a penalty into it that is specific. There are penalties dealing with welfare fraud on the books. That would be considered welfare fraud. If you think that there should be a special penalty for somebody who violates the provisions of this code, then by all means, you go right ahead and talk to the members of the House.

SENATOR WHEELER: Senator King, would you believe, that we heard testimony from the agency head in Health and Human Services, that said that the Federal Job Training money is already spent. We have spent the maximum. And if this program were to be adopted, all of the money would come out of the General Fund?

SENATOR W. KING: That is true. The money that you are talking about is the money prior to the bill being amended. Yes, absolutely. The money will have to come out of the General Fund. This bill will be referred to Finance to see whether or not we can afford to do that. If we can't afford to do that, we will have to establish some priorities within the context of the bill.

SENATOR WHEELER: Would you agree, Senator King, that under the current laws for welfare, we are regularly giving welfare recipients Associates Degrees?

SENATOR W. KING: Under the current law the federal money, largely, pays for education for individuals receiving AFDC under certain circumstances. They are actually quite stringent circumstances. We are not giving anything to anybody. Individuals are earning those degrees just like any other student.

SENATOR WHEELER: Would you agree that we are paying regularly for Associates Degrees?

SENATOR W. KING: We are paying so that people can get the skills that they need so that they can become taxpaying citizens.

SENATOR WHEELER: Would you further agree, that under this bill, we will give them one more year of schooling on top of their Associates Degree?

SENATOR W. KING: They will be eligible for that under very certain stringent circumstances.

SENATOR WHEELER: Would you name those circumstances please?

SENATOR W. KING: They have to provide a clear educational plan that is designed to show how they are going to use that to move into the job market to become employable and employed, so that they can pay taxes just like all the rest of us.

SENATOR WHEELER: So you are saying that an Associates Degree does not make someone employable? They need a further degree?

SENATOR W. KING: Not necessarily. Under certain circumstances somebody might need a little bit of extra education in order to become employable in the area that they have chosen. We are not sending people to medical school here under this bill, Senator Wheeler. But let me tell you something. We have held a lot of these people captive for too many years with a system that stinks. It is about time that we give them the power to make their own lives better. This is going to save money.

SENATOR BLAISDELL: Mr. President and members of the Senate. I realize, Mr. President, that you asked me not to speak in deference to Senator Lovejoy's party, but I can't. I have to say something on this one, please? I just wish that Bill Bartlett was sitting in this room, because he would hear the same speech. I didn't say in your Chair, Mr. President, I said here in this room. What he is trying to tell you, what Senator King is trying to tell you is that you will save money. But you also will give these kids in AFDC right now, they will be just a little bit better in their lives if you invest the money in them. Senator McLane, you and I wrote that report. I gave it to my grand daughter. I am sorry if I am emotional about this, but I gave it to her and she read it. She said to me, "Grandpa, you are wrong. Kids in this state don't eat Spaghetti O's five nights a week." I tried to tell her that the kids that are on welfare don't even look the same as you, because they don't have the same clothes that you wear, Laura. They don't even smell the same as you, because they don't have soap in their homes, and some of them don't have water in their homes. That is what I tried to put across to her, and that is what we tried to do here. Think about it. You'll give these AFDC people a training. Get them out into the public sector, let them work. Let them see something better; and then those kids that see something better in their lives, won't be on AFDC, won't be on welfare. Hey, look, I don't know about any one of you in this room. I was on welfare when I was a kid, okay. I have done fairly well. I have been pretty decent. And I have taken care of my family, and I have done a lot of things. Not always right, but I have done a lot of things. Because somebody helped me. And that is all that they are asking for. I object to these people that say that all of these women who are on AFDC are nothing but . . . I won't use the word. That is not true. They have had a tough thing in their life. Give them some help, invest in them. When you do that, you are going to invest in those kids. Those kids that she or he is trying to bring up, because they will see something just a little bit better in life. Maybe someday, some of them will have an opportunity to sit in this Chamber or that Chamber over there and be a part of this great state and help it grow and have them look like these two young ladies in the front of this room. That is all that they are asking for. Give them a chance, \$10,000. Give them a chance for an education. My God, I can't believe that we can't see it. I have listened to every one of you Senators in this room, from you, Senator Podles, that tell me about child abuse and children and everything else. This is children and this is what it is all about. And if you can't see it, I am sorry. Because you should be able to see it. You have the power in this room to be able to help these kids. For God's sake, open up your eyes.

SENATOR LAMIRANDE: I rise in full support of this bill. In fact, yesterday, you voted on a bill as inexpedient to legislate at my request. I believe that Senator Podles heard this in her committee because the bill was drafted inappropriately. 1. It didn't serve the purpose; however, this bill does serve the purpose and it is drafted appropriately to help the individuals who are on AFDC right now. I can just echo what words Senator Blaisdell and Senator W. King had to say because I have worked with these kids, these AFDC recipients. And they don't want to be on welfare. They want to go to school and further their education. It is just such a bill as this that will help them further their education and their career. There are several other states that are adopting legislation such as this. Wyoming for one. I think that it is an excellent idea and I really can't see how anyone can see a problem in this. To say that this piece of legislation is something that would be encouraging individuals to stay on AFDC, when it will do exactly the opposite. It is an incentive to get them off of welfare and get them into a college, and get them to have the education that they need. I hope that you vote on this bill as ought to pass.

A roll call was requested by Senator Baldizar.

Senator Baldizar withdrew roll call request.

Amendment adopted.

A roll call was requested by Senator Baldizar.

Senator Baldizar withdrew roll call request.

Recess.

Out of recess.

Referred to the Division on Finance (Rule #24).

SB 759-FN-A, an act relative to child support and making an appropriation therefor. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator J. King for the committee.

5134B

Amendment to SB 759-FN-A

Amend the bill by replacing all after the enacting clause with the following:
1 New Paragraph; Rulemaking. Child Support Pass Through Excluded From Income for Food Stamps. Amend RSA 161:4-a by inserting after paragraph IX the following new paragraph:

X. Excluding child support pass through payments received by an aid to families with dependent children eligible household pursuant to 42 U.S.C. section 657(b) from the computation of household income for the purpose of determining food stamp eligibility levels.

2 New Paragraphs; Assignment of Right of Support Enforcement. Amend RSA 161-C:22 by inserting after paragraph II the following new paragraphs:

III. If support rights have been assigned, and the obligor and obligee subsequently reunite, the office of child support enforcement may not take any action to collect a support debt created under RSA 161-C:4, unless financial affidavits collected pursuant to RSA 161-B:6 reveal that the reunited family has an adjusted gross income, as defined in RSA 458-C, equal to or greater than 200 percent of the federal poverty guidelines as set by the United States Office of Health and Human Services.

IV. Any person who has assigned support rights shall be entitled to advance notice from the office of child support enforcement services of any proceeding for the establishment, modification or enforcement of support and the opportunity to participate in any administrative proceeding for the establishment, modification, or enforcement of support.

3 Child Support Enforcement Staffing Required by Federal Caseload and Timeliness Standards. Additional staff positions shall be added to the office of child support enforcement services as necessary to permit that office to comply with federal caseload and timeliness standards, set out at 42 U.S.C. section 652(h); 42 U.S.C section 654(13); and 45 C.F.R. section 303.0 and 303.2-8, for opening cases, locating absent parents, establishing support obligations, establishing paternity, enforcing support obligations, and providing services in interstate IV-D cases. The positions added shall consist of child support enforcement officers and associated support staff and a corresponding addition to legal staff, including attorneys, paralegals and support staff. At a minimum, additional staff shall be added as necessary to eliminate the current backlog in child support establishment cases. In addition, the office of child support enforcement services shall employ a qualified specialist to perform a review and analysis of program procedures and legal requirements, including federal timeliness standards, and make recommendations for appropriate caseload standards and for improving operational efficiency.

4 Appropriation. The sum of \$1,200,000 for the fiscal year ending June30, 1995, is hereby appropriated to the division of human services, department of health and human services for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect July 1, 1994.

II. The remainder of this act shall effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits the office of child support enforcement services from collecting on an accrued AFDC child support debt when the obligor and obligee have reunited and the reunited family is low-income. This bill also requires the hiring of additional support enforcement staff for the office of child support enforcement services as necessary to improve child support collections on behalf of needy children and to permit compliance with federal caseload and timeliness standards.

This bill makes an appropriation to the division of human services, department of health and human services.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 807-FN-L, an act allowing the establishment of Capital Wellness Center, Inc. Public Institutions, Health and Human Services Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Economic Development committee (Rule #24).

SB 556-LOCAL, an act permitting property tax abatements for persons who reside in a municipality which has no public high school. Ways and Means Committee. Inexpedient to legislate. Senator McLane for the committee.

Senator Colantuono moved to have **SB 556-LOCAL**, an act permitting property tax abatements for persons who reside in a municipality which has no public high school, laid on the table.

Adopted.

LAID ON THE TABLE

SB 556-LOCAL, an act permitting property tax abatements for persons who reside in a municipality which has no public high school.

SB 571-LOCAL, an act relative to the definition of "good cause" for the purpose of property tax abatements. Ways and Means Committee. Inexpedient to legislate. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 710-FN-LOCAL, an act changing the interest rate on delinquent property taxes and subsequent taxes. Ways and Means committee. Ought to pass with amendment. Senator Russman for the committee.

5191B

Amendment to SB 710-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Interest Rate Changed. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at [12] **10** percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due that amounts to less than \$5 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in his judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

2 Redemption. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at [18] **16** percent per annum upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

3 Payment of Subsequent Tax. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county or the state. The purchaser of real estate at any tax sale may pay to the collector any sub-

sequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his purchase at the tax sale to be included in his costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of [18] **16** percent per annum from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

4 Redemption. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at [18] **16** percent per annum upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

5 Payment of Subsequent Tax. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of [18] **16** percent per annum from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

6 Effective Date. This act shall take effect April 1, 1994.

AMENDED ANALYSIS

This bill changes the interest rate on delinquent property taxes from 12 percent to 10 percent and changes the interest rate on subsequent taxes from 18 percent to 16 percent.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 735-FN-LOCAL, an act allowing political subdivisions to impose an interest charge on any delinquent state obligation. Ways and Means committee. Ought to pass with amendment. Senator J. King for the committee.

5221B

Amendment to SB 735-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

allowing political subdivisions to impose an interest charge on certain delinquent state obligations.

Amend RSA 23:23, I as inserted by section 1 of the bill by replacing it with the following:

I. Every county may impose upon the state an interest charge on any delinquent payment from the state to the county on any state obligation which the state owes to the county, except that no interest charge shall be imposed on delinquent payments involving programs which utilize federal funds. For the purposes of this section, state obligations shall include, but shall not be limited to, public assistance payments and lease and rent payments.

Amend RSA 31:9-d, I as inserted by section 2 of the bill by replacing it with the following:

I. Every municipality may impose upon the state an interest charge on any delinquent payment from the state to the municipality on any state obligation which the state owes to the municipality, except that no interest charge shall be imposed on delinquent payments involving programs which utilize federal funds. For the purposes of this section, state obligations shall include, but shall not be limited to, public assistance payments and lease and rent payments.

AMENDED ANALYSIS

This bill authorizes every political subdivision of the state to impose upon the state an interest charge on any delinquent payment from the state to the political subdivision on any state obligation which the state owes to the political subdivision. No interest charge shall be imposed on delinquent payments involving programs which utilize federal funds.

The interest rate which political subdivisions may charge is the same rate charged by the state for delinquent payments from political subdivisions to the state for certain public assistance reimbursements.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 773-FN-A, an act clarifying the applicability of the real estate transfer tax. Ways and Means Committee. Ought to pass with amendment. Senator McLane for the committee.

5194B

Amendment to SB 773-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Exemption Clarified. Amend RSA 78-B:2, XIV to read as follows:

XIV. To a transfer of title pursuant to a merger, consolidation or other reorganization qualifying as a tax-free reorganization as defined under the United States Internal Revenue Code of 1986, section 368, as amended ***and to any other transfer if the beneficial owners who control the transferor also control the transferee immediately after the transfer. For the purposes of this paragraph, "control" means the ownership of interests possessing at least 90 percent of the total combined voting power or value of the entity.***

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies that the real estate transfer tax does not apply to transfers between entities if the beneficial owners who control the transferor also control the transferee immediately after the transfer.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 511, an act permitting the executive director of the department of fish and game to impose administrative fines. Wildlife and Recreation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

Senators Colantuono and Wheeler in opposition to SB 511.

SB 585, an act increasing penalties for certain acts of cruelty to animals. Wildlife and Recreation Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: Mr. President and members of the Senate, SB 585 is part of a package from the study committee on Pet Over Population. Abandonment has become a very large problem. By changing a misdemeanor to a class A misdemeanor for abandonment, we are hoping that this will be a deterrent for further crime. The whole emphasis is that we heard from the Animal Control Officers, and one of the Animal Control Officers from Pittsfield happens to be a member of this committee. He finds that the same people are committing the same offenses, paying the same fines, and keep doing it over and over again, because the fine is not enough of a deterrent. This is what this bill is trying to do. Trying to make it enough of a deterrent so that people will stop committing these crimes.

SENATOR WHEELER: I object to some of the provisions in SB 585. The main one being, that it creates negligent transportation of animals which is the same issue that the legislature has had for several years about dogs riding in the back of open pick up trucks. Also it makes certain acts of cruelty to animals a felony. I object to that, because we have limited prison space, and limited public defenders for people who do crimes against people, and we shouldn't be wasting our prison space on people who do crimes against animals. So I would urge the Senate to find this bill inexpedient to legislate.

SENATOR FRASER: Senator Roberge, on III-A, "a person is guilty of a class B felony who negligently beats, cruelly whips and," etc. I relate the word 'negligent' to TAPE INAUDIBLE and I am not sure that that is the right word. Negligently beats, either you intentionally beat an animal or . . .

SENATOR ROBERGE: Well you could. The difference could be that you stand by and watch somebody else whip an animal or you whip it yourself. That would maybe be negligibility by not stopping somebody when you had the ability to do that. That would be one way of defining it.

Adopted.

Ordered to third reading.

Senator Wheeler in opposition to SB 585.

SB 675-FN, an act permitting the propagation and sale of Virginia white-tailed deer. Wildlife and Recreation Committee. Ought to pass. Senator Disnard for the Committee

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 689, an act enabling municipalities to require cat identification. Wildlife and Recreation Committee. Inexpedient to legislate. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

TAKEN OFF THE TABLE

Senator Hollingworth moved to have **SB 539**, an act relative to "willing providers" and health insurance plans, taken off the table.

Adopted.

Senator Hollingworth moved to have **SB 539**, an act relative to "willing providers" and health insurance plans, recommitted to the Insurance Committee.

Adopted.

SB 539 is recommitted.

MOTION TO VACATE

Senator Currier moved to vacate **HB 178-FN**, relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators, from the Executive Department and Administrations Committee to Public Institutions, Health and Human Services Committee.

HB 1133, allowing organization members' spouses to assist at bingo games, from the Executive Departments and Administrations Committee to the Ways and Means Committee.

HB 389, relative to the disclosure of certain historical information regarding property, from the Executive Departments and Administrations Committee to the Public Affairs Committee.

ANNOUNCEMENTS**RESOLUTION**

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn to the Call of the Chair.

Adopted.

Late Session**Third Reading and Final Passage**

SB 505, establishing a study committee to review the statutory provisions relative to compulsory school attendance.

SB 511, an act permitting the executive director of the department of fish and game to impose administrative fines.

SB 516, an act making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case.

SB 527, relative to terms of legislative members of the state board of claims and relative to the jurisdiction of the board of tax and land appeals.

SB 535-FN, relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans and providing for indemnification of board members, officers, and employees of the higher education and health facilities authority.

SB 540, an act limiting rights of reversion relative to real property.

SB 544-FN-LOCAL, an act relative to the requirements for sprinkler systems.

SB 560, an act requiring participating districts in AREA school systems to negotiate withdrawal plans.

SB 575-FN, an act modifying the dental practice act.

SB 576, an act relative to disease control.

SB 580, establishing a committee to study future directions for New Hampshire child care licensing policies.

SB 585, an act increasing penalties for certain acts of cruelty to animals.

SB 595, an act changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day.

SB 609, an act providing extended terms of imprisonment for certain DWI offenses.

SB 611, an act relative to the penalty for habitual offenders convicted of driving while intoxicated and home confinement.

SB 626-FN, an act abolishing certain state agency positions when current employees have left the positions, unless the general court reestablishes the positions.

SB 647, an act relative to compulsory attendance.

SB 663, an act relative to wiretapping.

SB 675-FN, an act permitting the propagation and sale of Virginia white-tailed deer.

SB 688-LOCAL, an act relative to redemption of property subject to tax liens for the elderly and disabled.

SB 705, providing that in domestic cases there shall be a presumption that it is in the best interest of a child to have regular, unsupervised visits with both parents.

SB 710-FN-LOCAL, an act changing the interest rate on delinquent property taxes and subsequent taxes.

SB 758-FN, an act relative to a civil filing fee surcharge for civil legal assistance to low-income persons.

SB 773-FN-A, an act clarifying the applicability of the real estate transfer tax.

SB 780, an act expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions.

SB 796, an act allowing the state board of education to solicit funds to implement character and citizenship education.

SB 798, an act increasing the exemption amount from attachment and execution for certain personal property.

SB 803, relative to land surveyor licensing examinations.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn and that we adjourn to the Call of the Chair.

Adopted.

Adjourned to the Call of the Chair.

March 10, 1994

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

O Lord, when any one of these are tempted to serve us through the vehicle of mean spirited partisanship, rush to our aid. When any of them lapse into the coma of party loyalty of the brain dead variety, revive them. And when any of the rest of us, forget the goodness and the dedication of these who serve in this place, forgive us and restore our sight. Amen

Senator Barnes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

MOTION TO VACATE

Senator Fraser moved to vacate **HB 1207-FN**, relative to the administration of small estates, from the Banks Committee to the Judiciary Committee.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 43, relative to the state board of auctioneers.

SENATE NON CONCURS WITH HOUSE AMENDMENT

SB 43, relative to the state board of auctioneers.

Senator Currier moved non concurrence.

Adopted.

INTRODUCTION OF HOUSE BILLS

Senator Delahunty offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House bills numbered 377 - HCR 27 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

The House of Representatives has passed the following Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments. Transportation Committee.

HB 635-FN, relative to social security cost-of-living increases to residents of residential care facilities and community residences and establishing a committee to study the rate structure of residential care facilities. Public Institutions, Health and Human Services Committee.

HB 656-FN, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. Insurance Committee.

HB 1117, relative to new motor vehicle arbitration. Transportation Committee.

HB 1174-LOCAL, allowing the selectmen, under certain circumstances, to manage town real property. Public Affairs Committee.

HB 1184-FN-LOCAL, establishing a committee to study the foreign exchange student programs in New Hampshire. Education Committee.

HB 1186, making a breach of confidentiality a violation of oath of office for town officers. Executive Departments and Administration Committee.

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature. Banks Committee.

HB 1191-FN, relative to victims and victims' compensation. Judiciary Committee.

HB 1194-FN, relative to the board of accountancy and related professional fees. Executive Departments and Administration Committee.

HB 1206, relative to the procedure to follow when an optional elected town office is discontinued. Public Affairs Committee.

HB 1212-FN, revising the special education mediation provisions to include neutral conferences. Education Committee.

HB 1214-FN, relative to driver safety at highway construction sites. Transportation Committee.

HB 1231, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial. Public Affairs Committee.

HB 1236, prohibiting the use of aerosol self-defense spray weapons against a law enforcement officer or in the course of committing a crime. Judiciary Committee.

HB 1242, establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire. Public Affairs Committee.

HB 1266-FN, requiring certain property seized by the department of fish and game to be returned if the owner reimburses the department for expenses and pays the required fine. Wildlife and Recreation Committee.

HB 1274-FN, establishing a committee to examine the impact of changing the name of the department of fish and game to the department of wildlife and marine resources. Wildlife and Recreation Committee.

HB 1284, increasing the restitution amount for illegally taking or possessing certain game. Wildlife and Recreation Committee.

HB 1289-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program. Executive Departments and Administration Committee.

HB 1294, extending the termination date of the lifesaver i.d. pilot program. Transportation Committee.

HB 1304, relative to licensure of humane societies without animal shelters. Wildlife and Recreation Committee.

HB 1313-FN, requiring the department of safety to issue an automotive recycling dealer with as many sets of number plates or as many as such person may require. Transportation Committee.

HB 1323-FN, requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates. Insurance Committee.

HB 1336, relative to services which certain liquor licensees may perform with regard to beverage stocking and displays. Ways and Means Committee.

HB 1380-LOCAL, prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations. Ways and Means Committee.

HB 1411-LOCAL, enabling municipalities to establish geographic information systems and charge fees for their use. Public Affairs Committee.

HB 1415-LOCAL, relative to approval of the goals and future conditions section of the master plan by the local legislative body. Public Affairs Committee.

HB 1422-FN-LOCAL, relative to the dog control laws and the portion of the dog license fee retained by municipalities. Wildlife and Recreation Committee.

HB 1432, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. Judiciary Committee.

HB 1447-FN, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs. Public Institutions, Health and Human Services Committee.

HB 1448-FN, requiring that certain documents and publications be included in the state depository law. Executive Departments and Administration Committee.

HB 1449, relative to professional standards review organizations for physical therapists. Public Institutions, Health and Human Services Committee.

HB 1455, making technical amendments to the business corporations laws and clarifying the limitation of liability of officers. Judiciary Committee.

HB 1474-LOCAL, allowing towns to maintain emergency lanes on class VI highways and private ways. Transportation Committee.

HB 1502-FN, removing certain reporting requirements for persons who wish to sell venison. Wildlife and Recreation Committee.

HB 1515-FN, relative to the emissions reduction credits trading program. Environment Committee.

HB 1519, limiting any pecuniary benefit received by directors and officers of charitable trusts. Judiciary Committee.

HB 1524-FN, relative to the executive reorganization of the department of education. Education Committee.

HB 1536-FN, authorizing the court to issue emergency temporary orders telephonically. Judiciary Committee.

HB 1556-FN-LOCAL, establishing the position of fiscal officer for Rockingham county. Executive Departments and Administration Committee.

HB 1568-FN-LOCAL, requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution. Environment Committee.

HB 1573, relative to the confidentiality of proceedings for guardianship of a minor. Judiciary Committee.

HCR 27, encouraging federal legislation to recognize atomic veterans. Public Affairs Committee.

COMMITTEE REPORTS

SB 506, an act allowing matters of state or national concern to be placed on the official ballot used for the election of town officers. Executive Departments and Administrations Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: TAPE INAUDIBLE.

Adopted.

Ordered to third reading.

SB 520-LOCAL, an act relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Currier for the committee.

5499B

Amendment to SB 520-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 City of Concord; Adoption of Optional Fiscal Year and Quarterly Billing and Collection of Taxes.

I. Notwithstanding any other provision of law, the city of Concord may, by 2/3 vote of the city council, adopt a fiscal year running from July 1 to June 30 of the following year. The city council of the city of Concord, by 2/3 vote, is also authorized to adopt a budget for the purpose of funding a 6-month conversion period. At the same time, the city council may, by 2/3 vote, adopt a system for quarterly collection and billing of taxes, in which case paragraphs II-V shall apply.

II. The first quarterly bill shall be due and payable on April 1 during the 6-month conversion period prior to the fiscal year beginning on July 1. This bill shall be an amount based on 1/4 of the total prior year's complete city, school and county levy. The entire amount collected on April 1, except for the county portion, shall be credited to the city of Concord to fund the 6-month conversion period budget as adopted by the city council. For the purposes of RSA 76:16, RSA 76:16-a and RSA 76:17, the "notice of tax" means the date the board of tax and land appeals determines to be the last date of mailing of the tax bill issued under this paragraph.

III.(a) Thereafter, beginning with the newly adopted fiscal year beginning July 1, tax payments shall be due July 1, October 1, January 2, and March 31 of each fiscal year to fund the optional fiscal year budget and shall be the basis upon which the tax rate shall be established by the department of revenue administration.

(b) A partial billing of the taxes to be due in any tax year shall be computed by taking the prior year's assessed valuation times the previous year's tax rate, as determined by the department of revenue administration, divided by 4; provided, however, that whenever it appears to the assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal times the previous year's tax rate divided by 4 to compute the partial payment. Partial payments of taxes assessed under this section shall be due and payable on July 1 and October 1. For the purpose of the partial payments, a list of assessed property shall be committed by the board of assessors with 2 separate warrants under their hands and seal directed to the collector no later than January 15. The collector shall mail all the bills for the 2 quarterly partial payments no later than 30 days before their due dates. The collector shall receive such payments and credit the amount paid towards the amount of the taxes eventually assessed against the property.

(c) Payments of the remainder of the taxes, minus the 2 partial payments due on July 1 and October 1 of that year, shall be due and payable in 2 equal billings on January 2 and March 31. For the purpose of these final remaining partial payments, the assessor shall commit 2 separate warrants to the collector. The collector shall mail all the bills for the 2 remaining tax payments no later than 30 days before their due dates. For purposes of RSA 76:16, RSA 76:16-a and RSA 76:17, the "notice of tax" shall mean the date the board of tax and land appeals determines to be the last date of mailing of the January 2 quarterly tax bill, which bill is based on the current year's tax rate and assessments.

IV. If, subsequent to the collector issuing quarterly bills, the assessors are made aware of a change in ownership in a parcel so billed, the asses-

sors shall amend the tax list and notify the collector, who, upon the request of the taxpayer, shall cause to be mailed to the new owner a statement of account showing the balance due on the current quarterly billing.

V. Interest at 12 percent per annum shall be charged on all taxes not paid on or before their due dates or 30 days after mailing, whichever is later. Prepayments of taxes due under this section may be authorized by vote of the city council.

2 Effective Date. This act shall take effect 60 days after its passage.

SENATOR CURRIER: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 522-FN, an act requiring elected police officers to meet certain criminal history and background requirements. Executive Departments and Administration Committee. Ought to pass with amendment. Senator J. King for the committee.

5204B

Amendment to SB 522-FN

Amend the bill by replacing sections 1 and 2 with the following:

1 Background Investigations Required for Elected Police Officers. RSA 188-F:27, II is repealed and reenacted to read as follows:

II. Every elected police officer shall, prior to being sworn in and assuming the duties of the office, be subjected to a background investigation conducted by the police standards and training council according to rules adopted by the police standards and training council pursuant to RSA 541-A, in order to determine character, reliability, criminal history, and honesty. Every elected part-time police officer who is not currently certified as a part-time officer shall be required to satisfactorily complete a preparatory program of part-time police training at a school approved by the council, and every elected full-time police officer who is not currently certified as a full-time police officer shall be required to satisfactorily complete a preparatory program of full-time police training at a school approved by the council. Such part-time or full-time training program shall be completed within 6 months of assuming office, and the officer shall comply with applicable minimum physical and educational requirements for police officers as adopted under the rules of the council pursuant to RSA 541-A. The council may, for such reasons as it may specify in its rules, grant an extension of this time limit not to exceed an additional 6 months. Any elected police officer who has failed to meet the minimum criminal history and background requirements of the council shall not be sworn in nor assume the duties of the office, and the governing body or police commission, if any, of the town or city which elected him, shall appoint a police officer to fill the vacant office until the next regular election. Any elected police officer who has not complied with the educational and training requirements of this paragraph within 6 months after his election or within the limits of any extension granted by the council hereunder shall be removed from office by the governing body or police commission, if any, of the town or city which elected him, and the governing body or commission shall appoint a police officer to fill the vacant office. Any officer appointed to fill such a vacancy shall continue to hold office until the elected officer who was removed has complied with the educational, training, or background requirements of this paragraph or until an election is held, whichever occurs first. If any officer who has failed to comply with the requirements of this paragraph is re-elected, he shall not take office unless he has the permission of the coun-

cil; otherwise, the governing body or police commission, if any, of the governmental unit which elected him shall appoint a police officer to fill the vacant office until the elected officer has complied with the requirements of this paragraph or until an election is held, whichever occurs first.

2 Applicability. Any elected certified police officer serving in that capacity on the effective date of this act shall be entitled to continue in office without meeting the requirements of section 1 of this act until the next election.

SENATOR J. KING: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 573, an act relative to the relocation, for purposes of storage, of a building or structure taxed as real estate. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

5492B

Amendment to SB 573

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the relocation of abandoned manufactured homes within manufactured housing parks.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established. There is hereby created a committee to study the relocation of abandoned manufactured homes within manufactured housing parks and the rights and responsibilities of park owners and municipalities. The committee shall consist of the following members:

I. Three selectmen, appointed by the New Hampshire Municipal Association.

II. Three manufactured housing park owners, appointed by the New England Manufactured Housing Association.

III. Two members of the house of representatives, appointed by the speaker.

IV. Two members of the senate, appointed by the senate president.

2 Appointments; Meetings; Mileage. Appointments of members under section 1 of this act shall be made within 30 days of the effective date of this act. The first-named senate member shall call the first meeting of the committee within 60 days of the effective date of this act. Legislative members shall receive mileage at the legislative rate for attending to duties of the committee.

3 Report. The committee shall submit its report with its recommendations, together with proposed legislation for the 1995 legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, 1994.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the relocation of abandoned manufactured homes within manufactured housing parks.

SENATOR LOVEJOY: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 603, an act relative to the definition and payment of salaried employees. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Fraser for the committee.

5284B

Amendment to SB 603

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this act is to bring the treatment of salaried and hourly employees under New Hampshire law into conformance with the United States Fair Labor Standards Act, as amended.

2 New Paragraphs; Definition of Salaried Employee Added. Amend RSA 275:42 by inserting after paragraph V the following new paragraphs:

VI. The term "salaried employee" means any employee who under an employment agreement or as a matter of policy or practice, regularly receives each pay period a predetermined or fixed amount of money constituting compensation, based on a predetermined amount of wages to be paid as determined by a daily rate, a weekly rate, bi-weekly rate, semi-monthly rate or monthly rate, and which amount is not subject to reduction because of variations in the quality or quantity of the work performed except as otherwise provided in RSA 275:43-b.

VII. The term "draw against commission" means a compensation method under which an employee receives, at least once each month, a draw payment of not less than the minimum wage, representing an advance against anticipated commission earnings. Draws shall be reconciled against commissions monthly unless otherwise agreed, in writing, by employer and employee. If the reconciliation results in an amount payable to the employee, payment shall be made in accordance with this chapter. If the reconciliation results in a negative balance, the balance may, by written agreement between employer and employee, be carried over into ensuing time periods; however, if a final reconciliation results in a negative balance, it shall not be recoverable from the employee.

3 New Paragraphs; Weekly Pay; Draw Against Commission Permitted. Amend RSA 275:43 by inserting after paragraph III the following new paragraphs:

IV. This section shall not be construed to preclude the use of compensatory time-off as compensation, if implemented in accordance with the United States Fair Labor Standards Act as amended, and regulations issued thereunder.

V. Nothing in this section shall prevent an employer from compensating an employee on a draw against commission basis as defined in RSA 275:42, VII.

4 New Section; Payment of Salaried Employee Added. Amend RSA 275 by inserting after section 43-a the following new section:

275:43-b Payment of Salaried Employees. A salaried employee shall receive full salary for any week in which such employee performs any work without regard to the number of days or hours worked provided, however, a salaried employee may not be paid a full week's salary in each of the following instances:

I. Any work week in which such employee performs no work.

II. If the employer's particular plan, policy or practice provides compensation for absences due to sickness and disability, deductions for absences of a full day or longer because of such sickness or disability may be made before the salaried employee has qualified under such plan, policy or practice, and after leave allowance has been exhausted under such plan, policy or practice.

III. If absences of greater than a full day are taken by an employee for reasons other than sickness and disability, and all available personal or annual leave time has been exhausted.

IV. If an unpaid leave of absence for a salaried employee is allowed pursuant to a bona fide plan, policy or practice for absences, of a full day or more, of an employee caused by bereavement leave or other personal leave reason.

V. Any portion of a work day or work week for leave taken under, and in accordance with, the federal Family and Medical Leave Act of 1993, as amended.

VI. If the salaried employee voluntarily requests time off without pay for any portion of a pay period, and such leave time is granted.

VII. Employers may prorate salary to a daily basis when a salaried employee is hired after the beginning of a salary period, or terminates of his own accord before the end of a salary period.

VIII. The employer may offset any amounts received by a salaried employee for jury duty or witness fees or military pay for a particular week, against the salary due for that particular week.

5 Effective Date. This act shall take effect 60 days after its passage.

SENATOR FRASER: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

SB 640-FN, an act abolishing the advisory board of massage practitioners, establishing a regulatory board of massage practitioners, and specifying the board's duties, rulemaking authority, and fee collection procedures. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Colantuono for the committee.

5521B

Amendment to SB 640-FN

Amend RSA 328-B:2, I and II as inserted by section 2 of the bill by replacing them with the following:

I. There is established a board of massage practitioners which shall consist of the following members appointed by the governor and council:

(a) Three massage practitioners, licensed under this chapter.

(b) Two public members.

II. The terms of office shall be 5 years for all board members, and no member shall serve more than 2 consecutive terms. The initial board appointees shall consist of one massage practitioner for a term of 5 years, one public member for a term of 4 years, one massage practitioner for a term of 3 years, one public member for a term of 2 years, and one massage practitioner for a term of one year.

Amend RSA 328-B:2, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The public members shall be persons who are not, and never have been, a massage practitioner, or the spouse of any such person, and who do not have and never have had, a material financial interest in either the provision of massage services or an activity directly related to such profession, including the representation of the board of any such profession for a fee at any time during the 5 years preceding appointment.

Amend RSA 328-B:13 as inserted by section 2 of the bill by replacing it with the following:

328-B:13 Records and Reports. Each licensee shall make such special or periodic reports, or both, as the board shall by rule require, pursuant to RSA

328-B:7, VI. Each licensee shall keep such records, in such manner, and for such period, as required, and shall permit the director or designee to inspect any establishment, any record located there, and any record required to be kept, on demand and without prior notice, at any reasonable time. As used in this section, "reasonable time" includes any time the establishment is open for business, or open to the public.

Amend the bill by replacing section 3 with the following:

3 Currently Licensed Persons. Persons holding valid and current massage practitioner and massage establishment licenses under RSA 328-B as of December 31, 1994, may continue to operate under such license until it expires. Upon expiration, such licensees shall be required to renew their licenses in accordance with the provisions of RSA 328-B as provided in this act.

SENATOR COLANTUONO: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

Recess.

Out of recess.

SB 658, an act regulating the practice of dental hygiene, including the issuance of licenses and fees. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Currier for the committee.

5498B

Amendment to SB 658

Amend the bill by replacing all after the enacting clause with the following:

1 Board Membership. Amend RSA 317-A:3 to read as follows:

317-A:3 Eligibility. All members of the board shall be residents of this state for a period of at least 5 years prior to their appointment. The dental hygiene members shall have been engaged in the practice of dental hygiene in this state for a period of at least 5 years prior to appointment. There shall be no more than one member of the board who is also a faculty member of a school of dentistry or school of dental hygiene. [No dental hygiene member shall be a member of a dental hygiene school faculty.]

2 Licensure of Dental Hygienists. RSA 317-A:21 is repealed and reenacted to read as follows:

317-A:21 Licensure.

I. For the protection of the public health, safety, and welfare, any person providing dental hygiene services in New Hampshire shall submit evidence that such person is qualified to provide those services and shall be licensed as provided in this chapter. No person shall provide dental hygiene services in New Hampshire or use any sign, card, device or the abbreviation R.D.H. or any other designation indicating such person is providing dental hygiene services, unless such person has been licensed under the provisions of this chapter.

II. Applications for licensure shall be made to the board in writing and shall be accompanied by a fee established by the board and by satisfactory proof that the applicant is a graduate of a school of dental hygiene with a minimum of a 2-year program in an institution of higher education, the program of which is accredited by a national accrediting agency recognized by the United States Department of Education and the American Dental Association Commission of Dental Accreditation.

3 New Sections; Examinations; Display of License; Dental Hygiene Services. Amend RSA 317-A by inserting after section 21 the following new sections:

317-A:21-a Examinations. Except as otherwise provided, applicants shall be examined by the board. The examinations may be oral, clinical, written or a combination, at the discretion of the board, and shall be of such character as to test the qualifications of the applicant to be licensed in dental hygiene. No license shall be granted to any applicant who shall not pass such examination satisfactorily. The board shall have the authority to grant a license in dental hygiene to applicants who have successfully passed the requirements of any national or regional testing agency acceptable to the board.

317-A:21-b Display of License. Licensees who provide dental hygiene services in this state shall cause their licenses to be at all times displayed in a conspicuous place in the setting wherein they shall treat patients, and shall whenever requested, exhibit such license to any of the members of the board or its authorized agent.

317-A:21-c Dental Hygiene Services. A licensed dental hygienist providing services within the meaning of this chapter who holds out to the public by the title "registered dental hygienist" and abbreviation "R.D.H.", or using the words or symbols indicating that the person is a licensed dental hygienist and provides care that is educational, preventive, and therapeutic, through observation, assessment, evaluation, and counseling, to establish and maintain oral health and prevent oral disease by rendering a service, under the supervision of a licensed dentist in accordance with rules adopted by the board under RSA 541-A, which includes:

I. The performance of the complete prophylaxis including the removal of calciferous deposits, excess cements, excess bond materials from orthodontic appliances, accretions, and stains from the supragingival and subgingival surfaces of the teeth by scaling, root planning, and polishing.

II. The assessment of medical and dental histories, including preliminary inspection of the oral cavity, surrounding structures, and periodontal charting.

III. The assessment of the patient to collect and evaluate complete data to identify dental hygiene care needs.

IV. Exposing and processing radiographs.

V. The application of topical preventive or prophylactic agents such as sealants, non-prescription antimicrobial agents, and topical fluorides.

VI. The polishing of restorations, including the removal of excess restorative material extending beyond the margins of the tooth.

VII. The performance of procedures requiring additional education and any other procedures authorized by the board through rules adopted under RSA 541-A.

4 Adding Dental Hygiene. Amend RSA 317-A:25 to read as follows:

317-A:25 Removal from State. Any one who is licensed to practice dentistry *or dental hygiene* in this state, and of good professional character, and known to the dental board as such, who desires to change [his] residence to another state, territory or country, shall, upon application to the dental board, receive a special certificate over the signature of the president and secretary-treasurer of the board, which shall attest such facts, and give the date upon which [he] *such person* was licensed.

5 Adding Dental Hygiene. Amend RSA 317-A:27-a to read as follows:

317-A:27-a Dental Records. Any person who engages in the practice of dentistry *or any licensed dental hygienist providing dental hygiene services* shall make a record of all examinations and treatments performed

or recommended for each patient. The record shall be made in such a manner and in sufficient detail that it may be used for identification purposes. Dental records required by this section shall be maintained for 7 years, or until 7 years after the age of majority of the patient, whichever is later.

6 Adding Dental Hygiene. Amend RSA 317-A:33 to read as follows:

317-A:33 Penalty. Except as otherwise provided, any person who shall practice or attempt to practice dentistry *or provide or attempt to provide dental hygiene services* in this state without a license or who violates any of the provisions of RSA 317-A shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

7 Effective Date. This act shall take effect January 1, 1995.

SENATOR CURRIER: TAPE INAUDIBLE.

Amendment adopted.

Ordered to third reading.

Senators Fraser and Lamirande in opposition to SB 658.

SB 664, an act relative to laid off state employees whose positions are federally funded. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Currier for the committee.

5480B

Amendment to SB 664

Amend the bill by replacing section 1 with the following:

1 New Section; Benefits for Laid Off State Employees. Amend RSA 99 by inserting after section 25 the following new section:

99:26 Laid Off State Employees. Whenever the legislature enacts provisions regarding benefits for laid off state employees, the term "state employee" shall be construed to include state employees whose positions are partially or fully federally funded.

AMENDED ANALYSIS

This bill provides that whenever the legislature enacts provisions regarding benefits for laid off state employees, the term "state employee" shall include state employees whose positions are partially or fully federally funded.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 679, an act relative to the qualifications for speech and language pathologists. Executive Departments and Administration Committee. Inexpedient to legislate. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 685, an act relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Fraser for the committee.

5490B

Amendment to SB 685

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership.

Amend the bill by replacing all after section 4 with the following:

5 New Section; Municipal Financing and Property Ownership; Fire Departments. Amend RSA 154 by inserting after section 1-b the following new section:

154:1-bb Municipal Financing; Fire Departments. The legislative body of a municipality may vote to choose a form of financing and property ownership different than those in RSA 154:1-a and RSA 154:1-b.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

(1) Allows the fire standards and training commission to adopt rules establishing fees to be collected for tuition and services.

(2) Gives the commission the authority to establish and publish educational and training standards for fire service personnel and exempts this authority from the requirements of the administrative procedure act.

(3) Permits the commission to delegate its powers and duties to the bureau of fire standards and training, with the approval of the commissioner of the department of safety.

(4) Allows municipalities the option of choosing a form of financing and property ownership for their fire departments.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 687, an act requiring that at least 75 percent of campaign contributions come from contributors in the candidate's district. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Colantuono for the committee.

5485B

Amendment to SB 687

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the duties of the legislative advisory committee on campaign financing statutes.

Amend the bill by replacing all after the enacting clause with the following:

1 Advisory Committee Duties. Amend RSA 664:5-c, I to read as follows:

I.(a) There is established a legislative advisory committee to monitor the application of federal and New Hampshire campaign financing statutes. The committee shall study inflationary, market, and other trends which may necessitate changes in state campaign financing law.

(b) *The committee shall also study the following in relation to state campaign financing law:*

(1) Ensuring that individuals and interest groups have a fair and equal opportunity to participate in the elective and government processes.

(2) Reducing the influence of large contributors with a specific financial stake in matters before government, thus countering the perception that decisions are influenced more by the size of contributions than the best interests of the people.

(3) Assisting candidates in raising enough money to communicate their views and positions adequately to the public without excessive expenditures or large contributions, thereby promoting public discussion of the important issues involved in political campaigns.

(4) Limiting overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests beyond the amount reasonably necessary to communicate with voters.

(5) Increasing the importance of smaller contributions.

(6) Eliminating fundraising except in general election years.

(7) Reducing the excessive fundraising advantages of incumbents, and thus encouraging competition for elective office.

(8) Allowing candidates and officeholders to spend a lesser amount of their time on fundraising, and a greater proportion of their time discussing important issues.

(9) Improving the disclosure of contribution sources in reasonable and effective ways.

(10) Ensuring that candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby ensuring promoting public discussion of the important issues involved in political campaigns.

(11) Restoring public trust in governmental institutions and the electoral process.

(c) The committee shall submit a report to the governor and to the general court in November of each odd-numbered year preceding a state general election.

2 Report Required. In addition to the report which the legislative advisory committee must submit under RSA 664:5-c, I, the committee shall also submit a report to the governor and to the general court on or before November 1, 1994, which studies the state campaign financing law issues included in RSA 664:5-c, I(b) as inserted by section 1 of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds additional subjects in relation to state campaign financing law which the legislative advisory committee established under RSA 664:5-c, to monitor the application of federal and New Hampshire campaign statutes, is authorized to study.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 733-FN, an act requiring certification of athletic trainers, including fees for certification. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Currier for the committee.

5512B

Amendment to SB 733-FN

Amend RSA 326-G:10 as inserted by section 2 of the bill by replacing it with the following:

326-G:10 Professional Identification. Any person certified to practice as an athletic trainer in this state may use the title "New Hampshire Certified Athletic Trainer" and the abbreviation, "NHCAT" to designate his practice of athletic training and shall produce his certificate upon the request of the board.

Amend RSA 326-G:11, III as inserted by section 2 of the bill by replacing it with the following:

III. Any individual who fails to renew his certification may apply to the board for reinstatement within one calendar year after the expiration of the certificate. Any person applying for reinstatement shall be subject to the requirements of the board as set forth in this chapter and in rules adopted by the board pursuant to RSA 541-A.

Amend RSA 326-G:12, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Has held himself out to be a certified athletic trainer after a certificate or permit has expired or has been suspended.

Amend RSA 326-G:15, II-VIII as inserted by section 2 of the bill by replacing them with the following:

II. Illegally or fraudently obtain or issue any diploma, permit, certificate, or record pertaining to the practice of athletic training.

III. Use the title "New Hampshire Certified Athletic Trainer" or the abbreviation "NHCAT" without valid certification by the board.

IV. Practice as a certified athletic trainer while a certificate or permit is suspended, revoked, or expired.

V. Fail to notify the board of the suspension, probation, or revocation of any past or present license, certification, or registration required to practice as an athletic trainer in this or any other jurisdiction.

VI. Make false representations or impersonate or act as proxy for another person or allow or aid any person to impersonate him in connection with any examination or application for certification or request to the examined or certified.

VII. Violate any other provision of this chapter.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 805, an act reorganizing and making further amendments to the administrative procedure act. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Currier for the committee.

5491B

Amendment to SB 805

Amend RSA 541-A:12, I as inserted by section 1 of the bill by replacing it with the following:

I. After considering fully public comment received pursuant to RSA 541-A:11, and any other relevant information, a quorum of the members of the agency or the agency official having rulemaking authority shall establish the text of the final proposed rule. After the text of the final proposed rule

has been established, the agency shall file the final proposal no earlier than 21 days and no later than 150 days after the date of publication of the notice in the rulemaking register. If an agency is required to rewrite a rule in accordance with RSA 541-A:8, the agency shall have up to 180 days after the date of publication of the notice in the rulemaking register to file the final proposal. The agency shall file the final proposal with the director of legislative services. Final proposals filed no later than 14 days before a regularly scheduled committee meeting shall be placed on the agenda for that meeting. Final proposals filed fewer than 14 days before a regularly scheduled committee meeting shall be placed on the agenda of the following regularly scheduled committee meeting.

Amend RSA 541-A:13, I as inserted by section 1 of the bill by replacing it with the following:

I. Within 45 days of the filing of a final proposal with the director of legislative services, the committee may approve the rule or object under paragraph V. Objections to a rule may be made only once.

Amend RSA 541-A:13, V as inserted by section 1 of the bill by replacing it with the following:

V. The following procedures shall govern committee objections:

(a) If the committee objects to the rule, it shall first notify the agency promptly by sending the agency a preliminary written objection stating the basis for the objection and recommending that the agency amend or withdraw the final proposal. A preliminary objection shall require the assent of a majority of the votes cast, a quorum being present.

(b) If the committee makes a preliminary objection to the rule, the agency may cure the defect and adopt the rule or it may adopt the rule without change. In either case, the agency shall respond to a committee objection only once, and shall report its response in writing to the committee within 45 days of the committee's vote to make a preliminary objection. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of the agency response, the committee may withdraw or modify its objections made under paragraph IV.

(c) After submitting its preliminary objection response and prior to the final committee vote on the final proposal, and in all cases, prior to the adoption of the rule by the agency, the agency may request the committee to issue a revised objection. Such revised objection shall be issued by a vote of the committee. Only one such revised objection shall be allowed by the committee. The agency shall be promptly notified in writing of the revised objection. The agency shall respond to a revised objection only once, and shall report its response in writing to the committee within 45 days of the committee vote. Failure to respond in accordance with this subparagraph shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After review of the revised objection response, the committee may approve the rule or vote to issue a final objection.

(d) If the agency responds that it intends to adopt the rule over the committee's preliminary or revised objection, the committee may, by majority vote of the entire committee, file a final objection. The final objection shall be filed in certified form with the director of legislative services, who shall publish the objection in the next issue of the rulemaking register.

Amend RSA 541-A:14, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Responding to a preliminary or a revised objection of the committee under RSA 541-A:13.

Amend RSA 541-A:31, V (a) as inserted by section 1 of the bill by replacing it with the following:

(a) Unless precluded by law, informal disposition may be made of any contested case, at any time prior to the entry of a final decision or order, by stipulation, agreed settlement, consent order or default.

Amend the bill by inserting after section 51 the following and renumbering the original sections 52 and 53 to read as sections 53 and 54, respectively:

52 Application; Uniform System of Numbering and Drafting. Notwithstanding RSA 541-A:8 as inserted by section 1 of this act, the requirements of the uniform system of numbering and drafting provided for in RSA 541-A:3-a, VIII that are in effect on the effective date of this act shall remain in force until the drafting and procedure manual for rules authorized in RSA 541-A:8 as inserted by section 1 of this act is developed by the director of legislative services and the commissioner of administrative services, or designee.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 783-LOCAL, an act requiring bond issues to be placed on the official ballot. Executive Departments and Administration committee. Ought to pass with amendment. Senator Lovejoy for the committee.

5507B

Amendment to SB 783-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Removing Reference. Amend RSA 33:3-d, I to read as follows:

I. A municipality or county may authorize the issuance of refunding bonds in order to pay all or part of any issue of bonds called or to be called for redemption, including any redemption premium thereon, all or part of the interest coming due on or prior to the date on which the outstanding bonds are redeemed, and the costs of issuing and marketing the refunding bonds. The authorization and issuance of refunding bonds shall be subject to the same requirements and provisions of law as would then be applicable to the authorization and issuance of the bonds being redeemed, as far as apt. In a town, school district, or village district, but not in a city, such refunding bonds may be authorized by the governing body of such town, school district, or village district, notwithstanding the provisions of RSA 33:8. [In this case, the authorization of refunding bonds shall not be subject to RSA 33:8-a, provided that] There shall be at least one public hearing concerning any proposed refunding bond issue in excess of \$100,000 held before the governing body of the town, school district, or village district. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the town, school district, or village district at least 7 days before the hearing is held.

2 Town or District Bonds and Notes. RSA 33:8 is repealed and reenacted to read as follows:

33:8 Town or District Bonds or Notes.

I. Except as otherwise specifically provided by law, the issue of bonds or notes, except tax anticipation notes, by any municipal corporation, except a city or a town council town which has adopted a charter pursuant

to RSA 49-B without a budgetary town meeting shall be authorized by a vote by official ballot of 2/3 of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose.

II. The governing board shall hold a public hearing at least 30 days prior to the date for the annual or special meeting.

III. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such annual or special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same.

IV. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting.

V.(a) The town clerk shall prepare an official ballot which shall include the following question:

“Are you in favor of appropriating the sum of \$_____ for the purpose of _____, with said sum to be in addition to any federal, state or private funds made available therefor and of authorizing the issuance of not more than \$_____ of bonds or notes in accordance with the provisions of the Municipal Finance Act, RSA 33?”

(b) When submitting the question under this paragraph to the voters, there shall be 2 squares printed after the question, one with the word “yes” beside it and another with the word “no” beside it.

VI. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing body of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting.

VII. If a 2/3 majority of the voters present and voting on the issuance of bonds or notes shall vote in the affirmative, the appropriation and issuance of bonds and notes in the amounts so stated in the question shall be declared to have been adopted.

VIII. The issuance of tax anticipation notes shall be authorized by a majority vote at town or district annual or special meeting.

IX. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing body, or a majority of the governing body, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing body or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing body.

3 Procedures for Authorizing Bonds or Notes in Certain Municipalities. RSA 33:8-d is repealed and reenacted to read as follows:

33:8-d Procedures for Authorizing Bonds or Notes in Town Council Towns Adopting Charters Pursuant to RSA 49-B.

I. The town council of any town which has adopted a charter pursuant to RSA 49-B shall have the authority to issue bonds or notes, as follows:

(a) The town council shall, after notice and public hearing at a regularly scheduled council meeting, order a referendum on the issuance to be held on the Tuesday not less than 60 nor more than 67 days from the regular meeting at which the order is passed.

(b) The town council shall hold at least one additional public hearing on the proposed bond or note after the issuance of its order for a referendum. The hearing shall be held at least 30 days, but not more than 60 days, prior to the referendum.

(c) Notice of the time, place and subject matter of such hearings shall be published in a newspaper of general circulation in the municipality at least 7 days before the hearing is held and posted in at least 2 public places in the municipality.

(d) An additional public hearing shall be held if the proposed bond or note issue is substantively altered by the town council after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and shall comply with the same notice requirements.

(e) An official copy of the final bond or note proposal shall be placed on file with the town clerk and made available to the public 7 days before the referendum and displayed at the voting place on the day of the referendum.

(f)(1) The town clerk shall prepare an official ballot which shall include the following question:

"Are you in favor of appropriating the sum of \$_____ for the purpose of _____, with said sum to be in addition to any federal, state or private funds made available therefor, and of authorizing the issuance of not more than \$_____ of bonds or notes in accordance with the provisions of the municipal finance act, RSA Chapter 33?"

(2) When submitting the question under this section to the voters, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

(g) If a 2/3 majority of the voters present and voting on the issuance of bonds or notes shall vote in the affirmative, the appropriation and issuance of bonds or notes in the amounts so stated in the question shall be declared to have been adopted.

II. The issuance of tax anticipation notes shall be authorized by a majority vote of the town council.

III. This section shall not apply to towns which have adopted a charter calling for a budgetary town meeting pursuant to RSA 49-D:3, III. The issuance of bonds or notes in such towns shall be governed by RSA 33:7 and 33:8.

4 Bond Issues. Amend RSA 39:3-d, IV to read as follows:

IV. Articles concerning the issuance of bonds or notes *under RSA33* shall [not] be placed on the official ballot *in accordance with RSA 33*.

5 Removing Reference. Amend RSA 374-B:2, I to read as follows:

I. Any municipality, when authorized by a 2/3 vote as defined in RSA33:8 [for bonds or notes not in excess of \$100,000, or in RSA 33:8-a for other bonds or notes for towns and village districts] or in RSA 33:9 for cities, may, subject to the approval of the commission under RSA 369:1, borrow money through the issue of revenue bonds to finance project costs, or its share of project costs, of electric power facilities. The commission in rendering its decision shall, in addition to the other requirements of said RSA 369:1, approve only such issue as the commission finds, after notice and opportunity for hearing, is appropriate to finance an electric power facility which is both consistent with the power needs of the state and necessary to supply the load plus reserve requirements created by the municipality's retail customers, and by such wholesale customers as may have existed on the day of the vote of the municipality, said load plus reserve requirements to be forecast by the municipality at a time 3 years beyond the scheduled date for commencement of commercial operation of

the facility; in evaluating the ability of the municipality to supply its load plus reserve requirements at said time, the commission shall deduct from these requirements all capacity in other generating units to which the municipality will then be entitled by ownership or contract, including any contracts for the purchase of electricity to be in force at said time. The project costs to be financed may include finance charges, interest prior to and during the carrying out of any project and for a reasonable period thereafter, prepayments under contracts made pursuant to RSA 374-A:2, the funding of notes issued for project costs as hereinafter provided, such reserves for debt service (including a common reserve for debt service established pursuant to an agreement for consolidation of indebtedness under paragraph VI) or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

6 Repeal. RSA 33:8-a, relative to procedure for authorizing bonds or notes in excess of \$100,000, is repealed.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that the official ballot be used in certain municipalities on questions concerning the issuance of bonds and notes.

Recess.

Out of recess.

SENATOR LOVEJOY: The voter turnout of a typical town meeting was between two and five percent, whereas a voter turnout for election days in the towns was closer to 20 percent. This indicates that more people would get a chance to vote if it were on the official ballot. All that this bill does, is to change the place, and the time, to the election day, to make it more efficient in addressing many issues. Let me point out to you, too, that this does not include tax anticipation notices. Towns without a budgetary town meeting will not have to put the official ballot on the town council, because the town council now makes those decisions, and it will remain the same.

Senator Currier moved to have **SB 783-LOCAL**, an act requiring bond issues to be placed on the official ballot, laid on the table.

Adopted.

LAIID ON THE TABLE

SB 783-LOCAL, an act requiring bond issues to be placed on the official ballot.

SB 518, an act requiring health care providers to clearly state the benefits and services provided to enrollees and subscribers. Insurance Committee. Ought to pass with amendment. Senator MacDonald for the committee.

5090B

Amendment to SB 518

Amend the title of the bill by replacing it with the following:

AN ACT

relative to life and health insurance policy language simplification.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Life and Health Insurance Policy Language Simplification. Amend RSA by inserting after chapter 420-G the following new chapter:

CHAPTER 420-H

LIFE AND HEALTH INSURANCE POLICY LANGUAGE SIMPLIFICATION

420-H:1 Purpose.

I. The purpose of this chapter is to establish minimum standards for language used in policies, contracts and certificates of life insurance, health insurance, credit life insurance and credit health insurance delivered or issued for delivery in this state to facilitate ease of reading by insureds.

II. This chapter is not intended to increase the risk assumed by insurance companies or other entities subject to this chapter or to supersede their obligation to comply with the substance of other insurance legislation applicable to life, health, credit life or credit health insurance policies. This chapter is not intended to impede flexibility and innovation in the development of policy forms or content or to lead to the standardization of policy forms or content.

420-H:2 Definitions. As used in this chapter:

I. "Policy" or "policy form" means any policy, contract, plan or agreement of life or health insurance, including credit life insurance and credit health insurance, delivered or issued for delivery in this state by any company subject to this chapter; any certificate, contract or policy issued by a fraternal benefit society; and any certificate issued pursuant to a group insurance policy delivered or issued for delivery in this state.

II. "Company" or "insurer" means any life or health insurance company, fraternal benefit society, nonprofit health service corporation, nonprofit hospital service corporation, nonprofit medical service corporation, prepaid health plan, dental care plan, vision care plan, pharmaceutical plan, health maintenance organization, and all similar type organizations.

III. "Commissioner" means the commissioner of the insurance department.

420-H:3 Scope.

I. This chapter shall apply to all policies delivered or issued for delivery in this state by any company on or after the date such forms must be approved under this chapter, but nothing in this chapter, shall apply to:

(a) Any policy which is a security subject to federal jurisdiction;

(b) Any group policy covering a group of 1,000 or more lives at date of issue, other than a group credit life insurance policy or a group credit health insurance policy; however, this shall not exempt any certificate issued pursuant to a group policy delivered or issued for delivery in this state;

(c) Any group annuity contract which serves as a funding vehicle for pension, profit sharing or deferred compensation plans;

(d) Any form used in connection with, as a conversion from, as an addition to, or in exchange pursuant to a contractual provision for, a policy delivered or issued for delivery on a form approved or permitted to be issued prior to the dates such forms must be approved under this chapter.

(e) The renewal of a policy delivered or issued for delivery prior to the dates such forms must be approved under this chapter.

II. No other statute of this state setting language simplification standards shall apply to any policy forms.

420-H:4 Minimum Policy Language Simplification Standards.

I. In addition to any other requirements of law, no policy forms, except as stated in RSA 420-H:3, shall be delivered or issued for delivery in this state on or after the dates such forms must be approved under this chapter unless:

(a) The text achieves a minimum score of 40 on the Flesch reading ease test or an equivalent score on any other comparable test as provided in paragraph III;

(b) It is printed, except for specification pages, schedules and tables, in not less than 10 point type, one point leaded;

(c) The style, arrangement and overall appearance of the policy give no undue prominence to any portion of the text of the policy or to any endorsements or riders; and

(d) It contains a table of contents or an index of the principal sections of the policy, if the policy has more than 3,000 words printed on 3 or fewer pages of text, or if the policy has more than 3 pages regardless of the number of words.

II. For the purposes of this section, a Flesch reading ease test score shall be measured by the following method:

(a) For policy forms containing 10,000 words or less of text, the entire form shall be analyzed. For policy forms containing more than 10,000 words, the readability of two 200 word samples per page may be analyzed instead of the entire form. The samples shall be separated by at least 20 printed lines.

(b) The number of words and sentences in the text shall be counted and the total number of words divided by the total number of sentences. The figure obtained shall be multiplied by a factor of 1.015.

(c) The total number of syllables shall be counted and divided by the total number of words. The figure obtained shall be multiplied by a factor of 84.6.

(d) The sum of the figures computed under (b) and (c) subtracted from 206.835 equals the Flesch reading ease score for the policy form.

(e) For purposes of RSA 420-H:4, II(b), (c) and (d), the following procedures shall be used:

(1) A contraction, hyphenated word, or numbers and letters, when separated by spaces, shall be counted as one word;

(2) A unit of words ending with a period, semicolon, or colon, but excluding headings and captions, shall be counted as a sentence; and

(3) A syllable means a unit of spoken language consisting of one or more letters of a word as divided by an accepted dictionary. Where the dictionary shows 2 or more equally acceptable pronunciation of a word, the pronunciation containing fewer syllables may be used.

(f) The term "text" as used in this section shall include all printed matter except the following:

(1) The name and address of the insurer; the name, number or title of the policy; the table of contents or index; captions and subcaptions; specification pages, schedules or tables; and

(2) Any policy language which is drafted to conform to the requirements of any federal law, regulation or agency interpretation, any policy language required by any collectively bargained agreement, any medical terminology, any words which are defined in the policy, and any policy language required by law or regulation, provided, however, the insurer identifies the language or terminology excepted by this subparagraph and certifies, in writing, that the language or terminology is entitled to be excepted by this subparagraph.

III. Any other reading test may be approved by the commissioner for use as an alternative to the Flesch reading east test if it is comparable in result to the Flesch reading ease test.

IV. Filings subject to this section shall be accompanied by a certificate signed by an officer of the insurer stating that it meets the minimum reading ease score on the test used or stating that the score is lower than the minimum required but should be approved in accordance with RSA 420-H:6. To confirm the accuracy of any certification, the commissioner may require the submission of further information to verify the certification in question.

V. At the option of the insurer, riders, endorsements, applications and other forms made a part of the policy may be scored as separate forms or as part of the policy with which they may be used.

420-H:5 Powers of the Commissioner. The commissioner may authorize a lower score than the Flesch reading ease score required in RSA 420-H:4, I(a) whenever he finds that a lower score:

I. Will provide a more accurate reflection of the readability of a policy form;

II. Is warranted by the nature of a particular policy form or type or class of policy forms; or

III. Is caused by certain policy language which is drafted to conform to the requirements of any state law, rule or agency interpretation.

420-H:7 Approval of Forms. A policy form meeting the requirements of RSA 420-H:5, I shall be approved notwithstanding the provisions of any other laws which specify the content of policies, if the policy form provides the policyholders and claimants protection not less favorable than they would be entitled to under such laws.

2 Applicability. This act shall apply to all policy forms filed on or after January 1, 1997. No policy form shall be delivered or issued for delivery in New Hampshire on or after January 1, 2000, unless approved by the commissioner or permitted to be issued under this act. Any policy form which has been approved or permitted to be issued prior to January 1, 2000, and which meets the standards set by this act need not be refiled for approval, but may continue to be lawfully delivered or issued for delivery in this state upon the filing with the commissioner of a list of such forms identified by form number and accompanied by a certificate as to each such form in the manner provided in RSA 420-H:4, IV.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect as provided in section 2.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 711, an act relative to small employer and individual insurance. Insurance Committee. Ought to pass with amendment. Senator Shaheen for the committee.

5548B

Amendment to SB 711

Amend RSA 420-G:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Individual health insurance policy" means an insurance policy issued by a carrier under title XXXVII of the Revised Statutes Annotated, issued directly to an individual and not on a group or group remittance basis. This chapter does not affect policies covering any one of the following: long term care benefits, nursing home benefits, home care benefits, dental or vision care services, hospital or surgical indemnity benefits with specific dollar amounts, accident only indemnity benefits, accidental death and dismemberment benefits, prescription drug benefits, or disability income benefits, specified disease benefits, or short-term, nonrenewable medical, hospital or short-term, individual major medical policies. For the purposes of this chapter, franchise insurance as defined in RSA 415:19 shall be considered individual health insurance.

Amend RSA 420-G:2, IX as inserted by section 1 of the bill by replacing it with the following:

IX. "Small employer" means a business or organization which employs one and up to and including 100 employees who shall be considered eligible for the benefits of the employer's health insurance plan by the employer. For the purposes of this chapter owners and self-employed persons shall be considered as employees. A small employer is subject to this chapter whether or not it becomes a part of an association, multi-employer plan, trust or any other entity as cited in RSA 420-G:9 provided it meets this definition.

Amend the introductory paragraph of RSA 420-G:4, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) All premiums charged to either individuals or small employers shall be solely based on a community rating basis and shall be guaranteed for at least 6 months. Insurers filing revised rates for individual or group health insurance policies shall include in each rate filing premium rates that apply to all outstanding policy forms which provide like or similar benefits. The premium rates for any individual or group health insurance policy form shall be based on a community rating basis where the community includes all other individual or group health insurance policy forms providing like or similar benefits. The initial rates for a new individual or group health insurance policy form shall be the current community rates applicable to all existing policy forms that provide like or similar benefits. Premium rates for individual or group health insurance policy forms shall be permitted to include appropriate adjustments for differences in benefit levels.

Amend RSA 420-G:4, I(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Premium rates based on a community rating methodology shall apply to new individual health insurance policies and new group insurance policies as of the date of issue, or the effective date, if earlier, beginning on or after January 1, 1995. Premium rates based on a community rating methodology shall apply upon the renewal of any individual health insurance policy or group insurance policy, beginning with the first anniversary date or annual renewal date falling on or after January 1, 1995.

Amend RSA 420-G:4, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a)(1) Except for federally-qualified health maintenance organizations, no waiting period provision shall exclude coverage for a preexisting condition period in excess of a period of 3 consecutive months ending while the individual's health insurance plan is in force and during which the individual incurred no medical care treatment expenses in connection with the preexisting condition, nor for a preexisting condition period in excess of 9 months following the effective date of coverage for the covered person and may apply only to conditions manifesting themselves in symptoms or conditions for which medical advice was received or recommended or which caused or would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment and/or was recommended or received during the 3 months immediately preceding the effective date of coverage.

(2) For federally-qualified health maintenance organizations, no preexisting condition provision shall impose a co payment for a preexisting condition that exceeds 50 percent of the cost of providing services for that condition. Copayments on preexisting conditions may be charged for 12 months following the effective date of coverage for the covered person and may apply only to conditions manifesting themselves in symptoms or conditions for which medical advice was received or recommended or which

caused or would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment and/or was recommended or received during the 3 months immediately preceding the effective date of coverage.

Amend RSA 420-G:4, II(b)(1) and (2) as inserted by section 1 of the bill by replacing it with the following:

(1) If the individual, employee, or dependent did not have a health insurance plan or health benefits plan during a period of unemployment prior to the effective date of new coverage, the lack of coverage during the period of unemployment shall be disregarded and, when applying the continuous coverage requirement of this subparagraph to an eligible person, coverage shall be considered to have been continuous from the date of the termination of any health benefit plan insuring the individual immediately prior to the period of unemployment to the effective date of the new coverage. The period of unemployment shall also be credited toward the time needed to satisfy any waiting period provision of the new coverage.

(2) An employee who declines a small employer's plan during the initial offering or subsequent open enrollment periods shall be a late enrollee and shall not be allowed on the plan until the next open enrollment period. However, an eligible employee or dependent shall not be considered a late enrollee if the individual:

(A) Was covered under a public or private health insurance or other health benefit arrangement at the time the individual was able to enroll; and

(B) Has lost coverage under a public or private health insurance or other health benefit arrangement as a result of termination of employment or eligibility, the termination of the other plan's coverage, death of a spouse, or divorce; and

(C) Requests enrollment within 30 days after termination of coverage provided under a public or private health insurance or other health benefit arrangement; or

(D) The individual is employed by an employer which offers multiple health benefit plans and the individual elects a different plan during an open enrollment period; or

(E) A court has ordered coverage to be provided for an ex-spouse or a minor child under a covered employee's health benefit plan and request for enrollment is made within 30 days after issuance of such court order.

Amend RSA 420-G:5, I as inserted by section 1 of the bill by replacing it with the following:

I. The methodology by which premium rates for an individual or specific small employer are established. Each carrier shall state that rates and practices are in full compliance with this chapter.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

Senators Currier and Russman in opposition to SB 711.

SB 736-FN-A, an act relative to the taxation of revocable trusts. Insurance Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5114B

Amendment to SB 736-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the taxation of grantor trusts.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Business Organization; Trusts. Amend RSA 77-A:1, I to read as follows:

I. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, carrying on any business activity within the state, except such enterprises as are expressly made exempt from income taxation under the United States Internal Revenue Code as defined in RSA 77-A:1, XX. Each enterprise under this definition shall be subject to taxation under RSA 77-A:2 as a separate entity, unless specifically authorized by this chapter to be treated otherwise, such as, but not limited to, combined reporting. ***Trusts treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their owners, and such owners shall be subject to the tax thereon to the extent such owners would be considered a business organization hereunder notwithstanding the existence of the trust.*** The use of consolidated returns as defined in the United States Internal Revenue Code as defined in RSA 77-A:1, XX is not permitted. Notwithstanding any other provision of this paragraph, an enterprise shall not be characterized as a business organization and shall be excluded from taxation at the entity level if it is a qualified investment company as defined in RSA 77-A:1, XXI that is not taxable under RSA 77-A:2-c. A partnership, limited liability company, estate, trust ***except grantor trusts pursuant to section 671 of the United States Internal Revenue Code***, "S" corporation, real estate investment trust, or any other such entity, other than a qualified investment company as defined in RSA 77-A:1, XXI that is not taxable under RSA 77-A:2-c, whose net income is reportable by the true owners either directly or indirectly shall be subject to tax at the entity level, and no part of such earnings or loss shall be included in the calculation of the gross business profits of the owners of such entity.

2 Grantor Trusts. Amend RSA 77:10 to read as follows:

77:10 Income from Trusts. The income received by estates held by trustees, any one of whom is an inhabitant of this state, or has derived his appointment from a court of this state, shall be subject to the taxes imposed by this chapter, ***except that income received by estates held by trustees treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their owners***, to the extent that the persons to whom the income from the trust is payable, or for whose benefit it is accumulated, are inhabitants of this state.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies taxation of grantor trusts for the purposes of the business profits tax and the interest and dividends tax.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 743-FN, an act relative to insurance coverage for children. Insurance Committee. Ought to pass with amendment. Senator MacDonald for the committee.

5269B

Amendment to SB 743-FN

Amend RSA 161-H:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Dependent child" means any natural, adoptive, or stepchild who has not terminated high school education or reached the age of 18 years, whichever is later, or become married or otherwise emancipated, or become a member of the armed services.

Amend RSA 161-H:1 as inserted by section 1 of the bill by inserting after paragraph IV the following and renumbering the original paragraphs V-VII to read as VI-VIII, respectively:

V. "Medical assistance" means medical assistance granted under RSA 161 and RSA 167.

Amend RSA 161-C:3-a, IV-a as inserted by section 3 of the bill by replacing it with the following:

IV-a. Notwithstanding paragraph IV or any other provision of law, custodial parents, guardians, and caretakers are authorized to request and receive from any responsible parent's former or current employer doing business in this state health insurance information necessary for the enforcement and establishment of medical support orders, including the availability of coverage.

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect October 1, 1994.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 767-FN, an act relative to mental illness coverage under insurance policies. Insurance Committee. Ought to pass with amendment. Senator Shaheen for the committee.

5427B

Amendment to SB 767-FN

Amend the introductory paragraph of RSA 417-E:1, III as inserted by section 1 of the bill by replacing it with the following:

III. The following mental illnesses, as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) of Mental Disorders published by the American Psychiatric Association, shall be covered under this section:

AMENDED ANALYSIS

This bill requires all health insurers, hospital service corporations, medical service corporations, and health maintenance organizations to provide coverage for certain biologically-based mental illnesses at the same level as coverage for other physical illness.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 777, an act establishing a committee to study a universal health care plan for New Hampshire. Insurance Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5470B

Amendment to SB 777

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study health care issues
in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Membership.

I. There is established a committee to study the current health care system in New Hampshire and to make recommendations relative to establishing a universal health care plan for New Hampshire. The committee shall also determine the total dollars paid by state agencies, which provide state funding for health services, to providers of health care for New Hampshire citizens and whether resources exist in the university system of New Hampshire which could be used towards attaining a goal of universal health care in New Hampshire. The chairperson of the committee shall establish subcommittees which shall study specific areas of health care and health care reform including, but not limited to:

- (a) Universal access.
- (b) Comprehensive benefits.
- (c) Cost containment.
- (d) Program finance and economic effects.
- (e) Actuarial statistics.
- (f) Quality and accountability.

II. The members of the committee shall be as follows:

- (a) Three members of the senate, appointed by the president of the senate, or designees.
- (b) Three members of the house of representatives, appointed by the speaker of the house.
- (c) A representative of the New Hampshire Hospital Association, appointed by such association.
- (d) Three consumer members, appointed by the governor.
- (e) The commissioner of health and human services, or designee.
- (f) The commissioner of insurance, or designee.

2 Funding. The office of the commissioner, department of health and human services, shall explore funding mechanisms from federal grants or private foundations to cover the cost of any consultants deemed necessary to the committee's study. If other moneys are necessary, the office of the commissioner is authorized to provide for the additional moneys from the health care transition fund, if established.

3 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named senate member within 30 days of the effective date of this act. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the speaker of the house, the president of the senate, and the governor on or before November 1, 1994.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee, which shall be comprised of subcommittees which each study a specific area of health care reform, to make

recommendations for a universal health care plan for New Hampshire. Under this bill, the office of the commissioner, department of health and human services, is to explore possible funding mechanisms for any consultant's costs. Additional moneys, if necessary shall be provided from the health care transition fund, if established.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 754-FN, an act directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. Interstate Cooperation Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

5459B

Amendment to SB 754-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. In directing the attorney general to pursue settlement under section 2 of this act, the general court makes the following findings:

I. Jurisdiction and control over the whole of the Piscataqua River is and always has been entirely within the county of Rockingham and this state, commencing from the mouth of the river located at latitude 43 degrees 2 minutes 42.5 seconds north and longitude 70 degrees 42 minutes 6 seconds west, and from thence running northerly and westerly over the entire course of the river, from bank to bank, to its head at Great Bay at the easterly corner of the town of Newmarket, county of Rockingham, as described in RSA22:2.

II. Complete dominion and ownership of the tidal waters and submerged lands of the whole of the Piscataqua River, and including its Portsmouth Harbor, are solely vested in the sovereign people of the state of New Hampshire, encumbered only by the national navigational servitude over the river and its harbor as a navigable inland waterway and arm of the sea.

III. The Piscataqua River and those ports, havens, harbors, and islands within and submerged lands thereunder are of immense value to New Hampshire as constituting the singular seaport afforded the people of this state for their enjoyment and for the promotion of their trade, commerce, and welfare.

IV. The state of New Hampshire holds absolute right and title to those lands submerged under the navigable waters of the whole of the Piscataqua River in trust for the people of the state that they may continue to enjoy the navigation of its waters, carry on commerce over them, and have the liberty of fishing therein, free from obstruction or interference.

V. The public trust in the Piscataqua River for the public use of the people of this state may only be ensured by the adequate protection, management, and control by the state over the entirety of the river and its submerged lands in which the whole of the people of this state are interested.

2 Attorney General Directed to Pursue Settlement.

I. The attorney general shall pursue settlement of the border dispute between the state of New Hampshire and the state of Maine concerning the establishment of the interstate boundary in the vicinity of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor, as recommended by the legislature in 1991, HJR 1. In pursuing such settlement, the

attorney general shall affirm the findings of general court under section 1 of this act. No agreement, undertaking or stipulation by any officer, representative, attorney or agent of the state of New Hampshire, which would have the effect of establishing any boundary line inconsistent with such findings, shall bind the state of New Hampshire, unless such agreement undertaking or stipulation is approved by the general court through legislation. The attorney general shall submit a report to the governor, the senate president, and the speaker of the house on or before June 1, 1994, detailing the progress made in such settlement efforts.

3 Effective Date. This act shall take effect upon its passage.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 715, an act relative to the time period during which notice must be filed concerning the results of an alcohol concentration test. Judiciary Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 676, an act relative to equal employment opportunity in the workplace. Public Affairs Committee. Ought to pass with amendment. Senator Pignatelli for the committee.

5248B

Amendment to SB 676

Amend the bill by replacing all after the enacting clause with the following:

1 Equal Employment Opportunity; Unlawful Discriminatory Practice Added. Amend RSA 354-A:7, I to read as follows:

I. For an employer, because of the age, sex, race, color, marital status, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ *or to fail to consider for employment* or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes it an unlawful discriminatory practice for an employer to fail to consider an individual for employment, because of the age, sex, race, color, marital status, physical or mental disability, religious creed, or national origin of such individual, unless based upon a bona fide occupational qualification.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 724, an act requiring clear and conspicuous posting of notice on secured premises. Judiciary Committee. Ought to pass with amendment. Senator Roberge for the committee.

5461B

Amendment to SB 724

Amend the title of the bill by replacing it with the following:

AN ACT

relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing.

Amend the bill by replacing all after the enacting clause with the following:

1 Conspicuous Notice. Amend RSA 262:40-a to read as follows:

262:40-a Vehicles Removed from Private Property; ***Conspicuous Notice in Parking Lots and Garages.***

I. The owner or person in lawful possession of any private property on which a vehicle is parked without his permission or is apparently abandoned may:

(a) Cause the removal of the vehicle in a reasonable manner provided he gives notice of such removal to a peace officer as soon as reasonably possible; or

(b) Notify a peace officer that he wishes to have such a vehicle removed from his property, whereupon the peace officer or another authorized official shall cause the removal of such vehicle pursuant to the removal, impoundment and notice procedures required by this subdivision.

II. If a vehicle is towed from a parking lot or parking garage, charges for removal and storage shall not be assessed against the vehicle owner unless there is posted in the parking lot or parking garage conspicuous notice that illegally parked vehicles are subject to towing at the owner's expense.

[II.]***III.*** Any police department which receives a request to have a vehicle removed or receives notice of a removal as provided in this section shall maintain a log of such requests and notices.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill declares that vehicle owners are not to be assessed towing charges if conspicuous notice was not posted in the parking lot or garage from which the vehicle was towed.

Recess.

Senator Blaisdell in the Chair.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.**Ordered to third reading.****Recess.**

Senator Hough in the Chair.

SB 740-FN, an act relative to employee leasing. Judiciary Committee. Ought to pass with amendment. Senator J. King for the committee.

5502B

Amendment to SB 740-FN

Amend RSA 277-B:5 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Every application for an original, renewal or restricted license, shall be accompanied by evidence satisfactory to the commissioner that the leased employees are covered by a workers' compensation policy issued by a carrier admitted to write such coverage in this state. The application shall also

be accompanied by evidence satisfactory to the commissioner that any health insurance benefits covering leased employees are provided pursuant to the provisions of RSA 227-B:11, II.

Amend RSA 277-B:9, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The employee leasing company provides the commissioner of employment security with those reports and other data which other employers are required to file under state law or rule adopted pursuant to RSA 541-A.

Amend RSA 277-B:9, V as inserted by section 1 of the bill by replacing it with the following:

V. The employee leasing company pays state unemployment contributions on a weekly basis. Payments and applicable reports shall be due by the close of the fourth business day following the week previously ended.

Amend RSA 277-B:11 as inserted by section 1 of the bill by replacing it with the following:

277-B:11 Employee Benefits and Other Insurance.

I. An employee leasing company may sponsor and maintain employee benefits and welfare plans for its leased employees. Nothing in this section shall require an employee leasing company to provide comparable benefits to employees located at different work sites.

II. An employee leasing company that provides health insurance benefits to its leased employees shall only provide such benefits:

(a) Through a policy issued by an insurance carrier admitted to write such coverage in this state; or

(b) Through a qualified plan under the provisions of ERISA.

III. Notwithstanding the provisions of RSA 277-B:9, employees leased to a client company by an employee leasing company remain the employees of the client company for the purposes of general liability insurance, automobile insurance, fidelity bonds, surety bonds and employer's liability insurance carried by the client company. Employees leased to a client company by an employee leasing company are not deemed employees of the employee leasing company for purposes of general liability insurance, automobile insurance, fidelity bonds, surety bonds or employer's liability insurance carried by the leasing company, unless the employees are included by specific reference in the applicable insurance contract or bond.

Amend RSA 277-B as inserted by section 1 of the bill by inserting after RSA 277-B:15 the following new sections:

277-B:16 Interference with Collective Bargaining Prohibited. For purposes of the collective bargaining process, including, but not limited to, the right to organize employee units based upon specific worksites, the employee leasing company shall be bound by the applicable public or private sector labor relations law and responsible for any violations of a collective bargaining agreement covering any of its leased employees to which it is a party. An employee leasing company shall not reassign leased employees to different client companies for the purpose of interfering with the terms and conditions of any collective bargaining agreement or organizational activity. Nothing in this section shall relieve a client company of its obligations under any applicable public or private sector labor relations law.

277-B:17 Unemployment Contribution Liability.

I. Until an employee leasing company has been in business for a period of 2 years, including any time prior to January 1, 1995, a client company shall be jointly and severally liable with the employee leasing company for the payment of unemployment contributions as calculated under the provisions of RSA 277-B:9, VI. The written disclosure provided under RSA 277-B:9, VI shall advise the client company of its joint and several liability, if any, under this section.

II. If an employee leasing company is found by the commissioner, after a hearing, to have unjustifiably failed to pay any unemployment contributions when due, the commissioner shall require the employee leasing company to post a bond as a condition of continuing to conduct business in this state. The bond shall be in such amount and upon such sureties as the commissioner shall determine to protect the interest of the affected employees and the state. If the commissioner requires a bond under this section, the commissioner shall forthwith notify the appropriate authorities in any other state in which the employee leasing company is known to be conducting business, that the employee leasing company was subject to such action in this state. The employee leasing company's license shall be suspended, if it does not post a bond required under this section within 5 working days of being ordered to post such bond.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 746-FN, an act relative to land fee increases in manufactured housing parks. Judiciary Committee. Interim study. Senator Barnes for the committee.

SENATOR BARNES: I move the adoption of the committee report of interim study.

Interim Study in Senate Appropriations committee.

SB 763, an act establishing a commission on national and community service. Public Affairs Committee. Ought to pass with amendment. Senator Pignatelli for the committee.

5550B

Amendment to SB 763

Amend the title of the bill by replacing it with the following:

AN ACT

establishing an executive board for community service.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. The general court realizes the importance of volunteerism and civic participation, and recognizes community service as a means of community and state problem-solving. The revival of national service as an avenue for addressing many of the country's unmet social, environmental, educational, and public safety needs has revealed new options for enhancing the quality of life for the people of New Hampshire.

II. The general court declares that promoting the capability of New Hampshire's people, communities, and enterprises to work collaboratively is vital to the long-term prosperity of this state.

III. Building and encouraging community service as an integral part of the formula for our growth as a state and as a nation requires cooperative efforts by the public sector, the private sector, the nonprofit sector, and partnerships among these sectors.

IV. The National and Community Service Trust Act requires that every state wishing to participate in national service initiatives create a bipartisan state commission on national and community service or a comparable entity.

2 New Chapter; New Hampshire Executive Board for Community Service Established. Amend RSA by inserting after RSA 19-E the following new chapter:

CHAPTER 19-F

NEW HAMPSHIRE EXECUTIVE BOARD FOR COMMUNITY SERVICE

19-F:1 New Hampshire Executive Board for Community Service Established; Membership.

I. There is hereby created a New Hampshire executive board for community service, hereinafter called the board. The board shall be comprised of a diverse group of New Hampshire citizens, adhering to the guidelines in the National and Community Service Trust Act. The board shall be bipartisan, and consist of at least 15 and not more than 25 individuals reflecting the department of education, senior citizen, national service programs, environmental, local government, community service, labor, education, business, and youth groups.

II. Voting status shall be limited to members who represent these backgrounds.

III. The governor shall appoint all members. The first 5 members appointed shall serve a term of 2 years. The second 5 members appointed shall serve a term of 3 years. The next 5 members appointed shall serve a term of 4 years. Any other members first appointed shall serve a term of 3 years. Thereafter, all members shall serve terms of 3 years.

IV. The New Hampshire Job Training Council shall recommend appropriate board members to the governor.

V. All applicants to the board shall be considered regardless of race, ethnicity, gender, age, disability, or political affiliation.

VI. The governor shall appoint ex officio members to ensure input into the drafting of state priorities for awarding local program grants.

19-F:2 Duties. The board shall:

I. Actively participate in developing a 3-year service plan. The board shall receive planning input from the interested public and from community service providers.

II. Translate popularly expressed priorities into programming objectives when developing a request for proposals to solicit applications from political subdivisions. The request for proposals shall be developed to elicit quality proposals from across the state, asking applicants to propose measurable, meaningful objectives for their programs.

III. Apply for AmeriCorps program funds for both the population-based formula funds and the competitive funds in response to the proposals solicited by the request for proposals. Procedures for reviewing proposals and preselecting political subdivision programs shall be open and competitive.

IV. Provide technical assistance to applicants for AmeriCorps funds.

V. Coordinate and collaborate with other service providers throughout the state.

19-F:3 Administration. The New Hampshire Job Training Council shall provide support and administrative staff for the board.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes an executive board for community service. The board may apply to receive funds for community-based AmeriCorps programs and shall provide technical assistance and information to applicants for AmeriCorps funds. The board shall also help develop a 3-year service plan.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 588-FN, an act relative to the issuance and renewal of drivers' licenses and the suspension of motor vehicle registrations and the privilege to drive. Transportation Committee. Interim study. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

SB 602-FN, an act relative to defaults on payments of motor vehicle fines or court appearances. Transportation Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 615, an act relative to the use of repair plates. Transportation committee. Interim study. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

SB 635, an act requiring public transportation to be considered before airport parking lots are approved for expansion. Transportation Committee. Inexpedient to legislate. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 648-FN, an act amending the 10-year highway plan and requiring the department of transportation to construct northbound and southbound entrance and exit ramps on I-93 in the town of Thornton. Transportation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

SENATOR DISNARD: Senator Cohen, who will lose out on this one? This is a prioritizing. What other program will lose out if this passes?

SENATOR COHEN: I don't believe, necessarily, any program will lose out. There was no opposition at the hearing. It just puts them on the map, that is all.

SENATOR DISNARD: Thank you.

SENATOR PIGNATELLI: Senator Cohen, is this a new project that is being added to the 10-year highway plan?

SENATOR COHEN: This project, as I understand, was proposed quite awhile ago; and it was planned to be done a long time ago, but it just has never been acted on.

SENATOR PIGNATELLI: So is it in the 10-year highway plan now?

SENATOR COHEN: I do not believe that it is currently in the 10-year highway plan. It would amend the 10-year highway plan.

SENATOR PIGNATELLI: Thank you.

SENATOR MACDONALD: It is going to Capital Budget. I am hoping that when it gets to Capital Budget that we will be able to work out an idea on an emergency entrance onto the road, rather than an interchange, if there are locations on highways and turnpikes which allow vehicles to enter onto the highway, not public vehicles, but emergency vehicles.

Adopted.

Referred to the Division on Finance (Rule #24).

SB 725-FN, an act requiring the department of transportation to install traffic lights on U.S. Route 1 at the intersections with Washington Road and Lang Road in the town of Rye. Transportation Committee. Inexpedient to legislate. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 764-FN, an act requiring the department of transportation to reconstruct and to maintain, from November 1 to April 1, a portion of the Tri-Cothic Road in the town of Ellsworth. Transportation Committee. Ought to pass with amendment. Senator MacDonald for the committee.

5255B

Amendment to SB 764-FN

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of transportation to maintain and plow an additional one-mile stretch of Tri-Cothic Road in the town of Ellsworth.

Amend the bill by replacing section 1 with the following:

1 Tri-Cothic Road; Department of Transportation to Maintain and Plow Additional One Mile to the Second Bridge Crossing Brown Brook in Ellsworth. Notwithstanding any other law to the contrary, the department of transportation shall maintain and plow one additional mile of the Tri-Cothic road to the second bridge crossing Brown Brook in the town of Ellsworth.

AMENDED ANALYSIS

This bill requires the department of transportation to maintain and plow an additional one mile of Tri-Cothic Road to the second bridge crossing Brown Brook in the town of Ellsworth.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 765-FN-LOCAL, an act relative to private utility companies and the payment of highway relocation costs. Transportation Committee. Interim study. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

SB 756-FN-A, an act relative to the definition of "gross receipts" for the calculation of the franchise tax. Ways and Means Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5244B

Amendment to SB 756-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the definitions of "gross receipts" and "public utility"
for the calculation of the franchise tax
with respect to the sale of gas.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Public Utility. Amend RSA 83-C:1, II to read as follows:

II. "Public utility" means every person, partnership, association and corporation except municipal corporation, engaged within this state in the manufacture, generation, distribution, transmission, or sale of [gas or] electric energy.

2 Definition; Gross Receipts. Amend RSA 83-C:1, IV to read as follows:

IV. "Gross receipts" means all receipts of the public utility received or accrued from the sale of [gas or] electricity pursuant to franchises granted by this state. Gross receipts do not include receipts from sales of [gas or] electricity for use outside the state, [or] receipts from sales of [gas or] electricity to another public utility which is also subject to the payment of this tax, *or receipts received from the sale of electricity to operate motor vehicles*.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill removes those entities engaged in the manufacture, generation, distribution, transmission or sale of gas from the definition of public utility for the purposes of the franchise tax.

The bill also exempts from gross receipts, for the purpose of calculating the franchise tax, those receipts from the sale of electricity to operate motor vehicles.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 567, an act permitting the use of snares which shall be subject to the same fees as other traps. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

5510B

Amendment to SB 567

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the feasibility of allowing
the use of snares for the purposes of trapping.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Duties. There is hereby established a committee to study the feasibility of allowing the use of snares for the purposes of trapping. The committee shall also study the resources needed and available to provide the proper education in the use of snares for trapping.

2 Membership.

I. The committee shall consist of the following members:

(a) One member of the senate wildlife and recreation committee, appointed by the president of the senate.

(b) One member of the house wildlife and marine resources committee, appointed by the speaker of the house.

(c) The executive director of the department of fish and game, or designee.

(d) Two members of the New Hampshire Trappers Association, appointed by such association.

(e) The state veterinarian.

(f) A member of the New Hampshire Federation of Humane Organizations, appointed by such organization.

II. The members of the committee shall be appointed within 30 days after the effective date of this act.

3 Chair; Meetings. The chair of the committee shall be the senate-appointed member. The first meeting of the committee shall be called by the senate member within 60 days of the effective date of this act.

4 Report. The committee shall make a report of its findings and recommendations to the president of the senate, the speaker of the house and the governor no later than November 1, 1994.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of using snares for the purposes of trapping.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 569, an act permitting a licensed trapper to check traps anytime and to carry a firearm, and repealing a certain affirmative defense relative to the taking of raccoons. Wildlife and Recreation committee. Ought to pass with amendment. Senator Lovejoy for the committee.

5527B

Amendment to SB 569

Amend the title of the bill by replacing it with the following:

AN ACT

permitting the checking of traps at night
subject to certain restrictions.

Amend the bill by replacing all after the enacting clause with the following:

1 Visiting Traps; Time Limitation Removed. Amend RSA 210:13 to read as follows:

210:13 Visiting Traps. *Notwithstanding any other law to the contrary*, a person shall visit his traps at least once in each calendar day, [but such visiting hours shall be between 1/2 hour before sunrise and 1/2 hour after sunset only,] provided, however, that a person trapping for beaver through the ice during the open season therefor, shall visit his traps once in each 72 hours. *Trappers shall be permitted to use artificial lights during the hours of darkness to facilitate the checking of traps under this section, subject to the following restrictions: no person shall check traps at night by the use of a rifle, revolver, or pistol*

larger than .22 caliber long rifle or by use of shotgun shells carrying shot larger than number 4 birdshot; and checking traps by the use of lights from a motor vehicle shall be prohibited. Only a person whose name is either stamped or engraved on the traps or on a durable tag securely affixed to the traps shall have the authority to tend the traps. In case of an emergency, the owner of the traps may grant written permission to another duly licensed trapper to tend the traps.

2 Checking Traps; Reference Added. Amend RSA 207:10 to read as follows:

207:10 Prohibited Devices. Tips-ups, set and trap lines, crossbows, spears, grappling hooks, naked hooks, snatch hooks, eel wires, eel pots and nets, shall not be used in any fresh waters of the state to take fish, unless otherwise specifically permitted. No person shall have in his possession, while hunting or trapping any wild bird, or wild animal, including bear any snare, jack or artificial light, swivel, pivot or set gun, or crossbow except as otherwise permitted. Any person convicted of illegal night hunting shall forfeit such firearms, jacks or other equipment used or usable in the illegal night hunting at the time of such violation. Such articles, upon conviction of a violation of illegal night hunting, shall become the property of the fish and game department, and shall be sold at auction by the director within one year of the forfeiture. ***Nothing in this section shall be construed to prohibit the use of lights for checking traps as permitted in RSA 210:13.***

3 Checking Traps; Reference Added. Amend RSA 208:8 to read as follows:
208:8 Illegal Night Hunting.

I. A person is guilty of a misdemeanor if he:

[I.](a) Knowingly takes wild birds or wild animals between 1/2 hour after sunset and 1/2 hour before sunrise.

[II.](b) Knowingly uses an artificial light between 1/2 hour after sunset and 1/2 hour before sunrise to illuminate, locate, or attempt to locate wild birds or wild animals while having in his possession or in a motor vehicle, OHRV, boat, aircraft, or other craft propelled by mechanical power, a bow and arrow, crossbow and bolt, rifle, pistol, revolver, shotgun, or muzzle-loading firearm with live ammunition to fit the weapon, whether loaded or unloaded.

[III.](II. Any person convicted of illegal night hunting shall forfeit such firearms, lights, or any other equipment used or usable in the illegal night hunting at the time of such offense.

[IV.](III. The knowledge or belief required for [paragraphs I and II] ***paragraph I*** is presumed in the case of a person who:

(a) Uses or is found in the possession of a rifle, revolver, or pistol larger than .22 caliber long rifle; or

(b) Uses shotgun shells carrying shot larger than number 4 birdshot.

[(c) Repealed.]

IV. Nothing contained in this section shall be construed to prohibit the use of lights for checking traps as permitted in RSA 210:13.

4 New Paragraph; Checking of Traps; Affirmative Defense Added. Amend RSA 208:8-a by inserting after paragraph II the following new paragraph:

III. The checking of traps pursuant to RSA 210:13 shall be an affirmative defense as defined in RSA 626:7, I(b) to an alleged violation of this section.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill permits trappers to check traps at night subject to certain restrictions.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 534, an act granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. Banks Committee. Ought to pass with amendment. Senator Fraser for the committee.

5417B

Amendment to SB 534

Amend the title of the bill by replacing it with the following:

AN ACT

relative to condominium common assessments.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Assessments. Amend RSA 356-B:46 by inserting after paragraph VIII the following new paragraphs:

IX. Notwithstanding any law, rule, or provision of the declaration or bylaws to the contrary, the board of directors of an association may, after 30 days' written notice to the unit owner and the unit owner's first mortgagee of nonpayment of common assessments, terminate the delinquent unit's common privileges and cease supplying any delinquent unit with any and all services normally supplied by the association pursuant to the condominium documents. These services and privileges shall be restored upon payment of all assessments.

X. The unit owners association may collect an amount of up to 6 months' common expense assessments in advance from unit owners and hold the amount so collected in escrow and, upon default by any unit owner in the payment of common expense assessments, apply the same to cure such default.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill gives condominium unit owner's associations the ability to suspend privileges to common areas if unpaid assessments are outstanding.

The bill also allows such associations to collect an amount of up to 6 months' common expense assessments and apply such amount if a unit owner defaults on the unit's assessments.

where is amendment

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 508-LOCAL, an act enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities. Economic Development Committee. Ought to pass with amendment. Senator Fraser for the committee.

5537B

Amendment to SB 508-LOCAL

Amend RSA 162-G:7, II as inserted by section 7 of the bill by replacing it with the following:

II. Bonds shall bear the manual signature of the mayor and city treasurer [if issued by a city having a mayor - council form of government or of], the city manager and city treasurer [if issued by a city having a manager-council form of government], *or the chairman of the board of selectmen and the town treasurer, as the form of government of the municipality may prescribe*; and interest coupons, if any, shall bear the manual or facsimile signature of the treasurer in each case. Bonds shall also bear the seal of the governmental unit or a facsimile thereof. Bonds executed as herein provided shall be valid notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to hold office.

Amend RSA 162-G:10, I as inserted by section 12 of the bill by replacing it with the following:

I. Action under this chapter may be in concert with the business finance authority acting under RSA 162-A, or projects may be sold to such authority at any time during their development. Industrial facilities may be located outside the boundaries of the governmental unit or units undertaking the project, either directly or through an industrial development authority created by such governmental unit or units, if such projects are approved by the legislative body of the city or town in which they are located as follows: if the facility is to be located in a city, by a majority vote of all the duly-elected members of the city council or if located in a town with a town council form of government, by a majority vote of the duly elected members of the town council, or if the town is governed by town meeting, by a majority vote of the registered voters present and voting at an annual or duly-called special town meeting.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 632-FN-A, an act establishing a pilot program to create a telecommunications link for trade information to promote international trade and making an appropriation therefor. Economic Development Committee. Ought to pass with amendment. Senator Cohen for the committee.

5535B

Amendment to SB 632-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a pilot program to disseminate from the Pease International Trade Center trade information to promote international trade and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Pilot Program Established.

I. There is established a pilot program to be administered by the commissioner of the department of resources and economic development. The pilot program shall use the New Hampshire automated system administered by the State library to disseminate international trade leads and information from the Pease International Trade Center in an effort to promote international trade from New Hampshire. This pilot program shall terminate 2 years after the first date of operation of the program, as certified by the commissioner of resources and economic development and the

state librarian to the secretary of state, unless authorized to continue by the legislature. In order to implement this pilot program the commissioner of resources and economic development shall, with the approval of governor and council, enter into an agreement with the state librarian to link the Pease International Trade Center to the New Hampshire automated information system in order to provide businesses and individuals in the state access to international trade leads and other export information via their local public, academic or special library. The state librarian shall also, under this agreement, provide businesses and individuals with the option of dial access to the Pease International Trade Center via the New Hampshire automated information system.

II. The commissioner of resources and economic development, with the approval of governor and council, may enter into such other contracts as may be necessary to implement the pilot program.

III. The commissioner may also accept grants and moneys from any source and may expend such grants and moneys for the purposes of the program.

IV. The commissioner shall contract for the creation of a training disk which shall be distributed at no charge to all libraries and at cost to individual and businesses seeking to access the system.

2 Report. The commissioner of resources and economic development shall make an interim report on or before December 1, 1994, and a final report on or before the termination date specified in section 1 of this act to the senate president, the speaker of the house and the governor, on the commissioner's activities, findings and recommendations relative to the pilot program. The commissioner shall evaluate the program in terms of its effectiveness in disseminating trade information and any other pertinent matter.

3 Appropriation. The sum of \$100,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of resources and economic development for the purposes of implementing the pilot program established in section 1 of this act. This appropriation is in addition to any other sums appropriated to the department of resources and economic development. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill requires the commissioner of resources and economic development to establish a 2-year pilot program to disseminate international trade leads and information from the Pease International Trade Center to businesses and individuals in an effort to promote international trade from New Hampshire.

The bill makes an appropriation for the purposes of the bill.

SENATOR COHEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 651-FN, an act creating a real estate recovery trust fund, to be funded by certain fees. Economic Development Committee. Ought to pass with amendment. Senator W. King for the committee.

5532B

Amendment to SB 651-FN

Amend RSA 331-A:36, II as inserted by section 2 of the bill by replacing it with the following:

II. Claims shall be awarded for loss of escrow funds, plus reasonable attorney's fees not to exceed 10 percent of the claim. There shall be an annual cap of \$25,000 per claimant and \$75,000 aggregate per real estate agency from the real estate recovery trust fund.

Amend RSA 331-A:37, II as inserted by section 2 of the bill by replacing it with the following:

II. The real estate recovery trust fund shall be maintained at a level of not less than \$250,000. After the initial assessment on all license applicants and renewals under paragraph I, additional assessments shall be made only on new licensees. The rate of such assessment shall be as follows:

- | | |
|---|------|
| (a) New salesperson license | \$20 |
| (b) New direct broker license | \$50 |
| (c) Salesperson licensee upgrading to a broker licensee | \$30 |

If the level of the real estate recovery trust fund becomes lower than the minimum level of \$250,000, the board of trustees, under RSA 331-A:39, II, shall assess all real estate licensees a subsequent fee in order to maintain a level of \$250,000.

Amend RSA 331-A:37, V as inserted by section 2 of the bill by replacing it with the following:

V. Moneys deposited into this fund, including investment income under RSA 331-A:39, II, shall be used only for the purposes of this subdivision, including costs incurred administering the real estate recovery fund.

Amend RSA 331-A:39 as inserted by section 2 of the bill by inserting after paragraph III the following new paragraphs:

IV. Recover from the responsible broker or salesperson the amount awarded to an aggrieved consumer from the real estate recovery fund. Such amount collected for the real estate recovery fund from the responsible broker or salesperson shall include any administrative and legal costs incurred by the board of trustees during the collection action.

V. Conduct an audit of the real estate recovery fund on an annual basis, and as the need arises as determined by the board of trustees.

Amend RSA 331-A:41 as inserted by section 2 of the bill by replacing it with the following:

331-A:41 Jurisdiction; Eligibility for Recovery From Fund.

I. The New Hampshire real estate commission shall determine who shall be eligible to recover from the real estate recovery fund. Upon such determination, the board of trustees shall disburse the amount of the award to the eligible aggrieved consumer.

II. Determinations by the commission under this subdivision shall be subject to appeal to the superior court within 30 days after the filing of the commission's decision. An appeal shall suspend the commission's decision. The record of the hearing of the action of the commission shall be presented to the superior court for review and the superior court shall give the review under this subdivision priority on the court calendar. The superior court may confirm, reverse or modify the commission's decision, or order a trial de novo without a jury as justice may require.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-5 to read as 4-6, respectively:

3 Applicability. Persons holding valid and current licenses under RSA 331-A upon the effective date of this section may continue to practice real estate brokerage and sales under such license until it expires. Upon expiration, such licensees shall be required to renew their license in accordance with the provisions of RSA 331-A as provided in this act.

Amend paragraph I as inserted by section 4 of the bill by replacing it with the following:

I. One person with a background in real estate, appointed for a 3-year term by the New Hampshire real estate commission.

Amend the bill by replacing sections 5 and 6 with the following:

5 Repeal. The following are repealed:

I. RSA 331-A:14, relative to broker surety bonds.

II. RSA 331-A:14-a, relative to broker surety bonds.

6 Effective Date.

I. Section 1 and paragraph I of section 5 of this act shall take effect July 1, 1994, at 12:01 a.m.

II. The remainder of this act shall take effect January 1, 1995, at 12:01 a.m.

SENATOR W. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Senator Fraser in opposition to SB 651.

SB 807, an act allowing the establishment of the Capital Wellness, Inc. Economic Development Committee. Ought to pass with amendment. Senator W. King for the committee.

5531B

Amendment to SB 807-FN-LOCAL

Amend section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. The use of the Capital Wellness Center shall be limited to students and faculty or staff of the New Hampshire postsecondary technical education system and individuals engaged in a prescribed therapeutic program through any of the participating organizations or businesses.

SENATOR W. KING: I move the adoption of the committee report of ought to pass with amendment.

SENATOR RUSSMAN: My concern, Senator King, is two things. First of all, is that the private sector is being foreclosed in this area and it is going to be damaged or hurt in some fashion by allowing this to go through. The other thing, is that I don't think that it should be a situation where people on the staff or whatnot, considering what money is appropriated, I believe that there is some state money involved with this, that people some how are going to be able to use this for free, that perhaps are associated or affiliated with the unit in some fashion. Could you please address those two questions? I have some real reservations about that.

SENATOR W. KING: Senator Russman, that was why we had it referred to Economic Development, because there were concerns about competing with the private sector. Originally, the plan was that this Wellness Center would be open to anyone who wanted to pay a fee to use it. We felt that that was unfair competition with the local fitness centers and gymnasiums and whatnot. What this amendment does is that it says that the Wellness Center will only be able to be used by those people who are affiliated with the Technical College System and those people who are in prescribed, therapeutic programs with one of the participating partners in the Wellness Center. So that not just anyone can just walk in off the streets and become a member of this state sponsored fitness club. It is a Wellness Center, and it is not a fitness club. The money has already been appropriated as far as the state money is concerned. That one million dollars would go to build a

center for students whether or not we allowed Commissioner Rath and the others to move forward on this very innovative idea. But we think that the amendment protects the private sector's ability to continue to offer those kinds of opportunities to other people; and at the same time, allows this innovative project to move forward.

Amendment adopted.

Ordered to third reading.

SJR 1, an act proclaiming 1993-1994 as university of New Hampshire year. Education Committee. Ought to pass with amendment. Senator Disnard for the committee.

5182B

Amendment to SJR 1

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, the university of New Hampshire began as the New Hampshire college of agriculture and mechanic arts in Hanover in 1866, and was established in Durham 100 years ago with the primary purpose of educating the state's citizens in the classical and mechanical arts; and

SENATOR DISNARD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 716-FN, an act relative to the evaluation of bids for the treatment and disposal of contaminated soil. Environment committee. Ought to pass with amendment. Senator Russman for the committee.

5267B

Amendment to SB 716-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Duty Added. Amend RSA 146-D:5 by inserting after paragraph I the following new paragraph:

I-a. The board shall review the competitive bidding process and, if necessary, recommend rules to the commissioner which may include some or all of the following:

(a) Least cost to the fund.

(b) Consideration of the air, water, and soil pollution control efficiency of the method of treatment.

(c) End product disposal by the bidder.

(d) Whether the bidder is authorized and licensed to perform the proposed services.

2 Competitive Bidding; Rulemaking. Amend RSA 146-D:5-a, II to read as follows:

II. The commissioner of environmental services [shall] *may* adopt rules, *after consultation with the board*, pursuant to RSA 541-A, relative to the competitive bidding process to be used under this section.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the oil fund disbursement board to review the competitive bidding process and, if necessary, to recommend rules to the commissioner of environmental services.

The commissioner may adopt rules relative to the competitive bidding process, pursuant to RSA 541-A and after consultation with the board. Currently, the commissioner is required to adopt such rules.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SENATOR DISNARD (Rule #44): Mr. President and fellow Senators, we have a Senator amongst us who owns a pair of smelly old baseball spikes from the manager of the Boston Red Sox. He owns a pair of smelly old baseball spikes from the ex third baseman. He has more pairs of smelly old spikes from other pitchers in the Red Sox. And, he thinks, in his opinion, that the Red Sox are going to be in the World Series. Now I have a pitcher here, of opening day in 1992 which this man could fill with beer and cry into it. I also have, not a linen towel, not a cotton towel, but a paper towel from a friend of mine at the White House who wants him to be able to use this when he cries. Here you are, Senator Barnes.

SENATOR BARNES (Rule #44): I just want to say thank you to Senator Disnard. But I also want to know that if crow is part of his diet? As old as he is, I am not sure that he will be able to eat it in October and I want to make sure that he can eat crow in October. Does your old man down there permit that?

SENATOR RUSSMAN (Rule #44): Send him a MacDonald's burger.

Recess until 1:00 p.m.

Out of recess.

SB 790, an act relative to small power producers. Economic Development Committee. Ought to pass with amendment. Senator W. King for the committee.

5551B

Amendment to SB 790

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court declares its support for RSA 362-A, the Limited Electrical Energy Producers Act, also known as LEEPA. The general court recognizes its role in fostering and encouraging the small power production industry in New Hampshire as a positive means towards achieving diversified, independent sources of electrical power.

2 Declaration of Purpose. Amend RSA 362-A:1 to read as follows:

362-A:1 Declaration of Purpose. It is found to be in the public interest to provide for small scale and diversified sources of supplemental electrical power to lessen the state's dependence upon other sources which may, from time to time, be uncertain. *It is also found to be in the public interest to encourage and support diversified electrical production that uses indigenous and renewable fuels and has beneficial impacts on the environment and public health.*

3 Small Power Producers. Amend RSA 362-A:8, II to read as follows:

II.(a) Energy or energy and capacity provided by qualifying small power producers and qualifying cogenerators under commission orders or negotiated power purchase contracts are part of the energy mix relied on by the commission to serve the present and future energy needs of the state. The rates established in orders by the commission for the purchase of energy or energy and capacity from qualifying small power producers and qualifying cogenerators under this chapter or under applicable federal law exist under the legislative and regulatory authority of the state and shall be deemed a state approved legally enforceable obligation.

(b) The commission shall, in all decisions affecting qualifying small power producers and qualifying cogenerators, consider the following factors in its decisions:

(1) The economic impact upon the state, including but not limited to job loss or creation through the utilization of indigenous fuels for electric generation.

(2) The community impact including, but not limited to, property tax payments and job creation.

(3) Enhanced energy security by utilizing mixed energy sources, including indigenous and renewable electrical energy production.

(4) Potential environmental and health-related impacts.

4 New paragraphs; Submission of Plans to the Commission. Amend RSA378:38 by inserting after paragraph VI the following new paragraphs:

VII. An assessment of plan integration and impact on state compliance with the Clean Air Act Amendments of 1990.

VIII. An assessment of plan integration and impact on state compliance with the National Energy Policy Act of 1992.

IX. An assessment of the Plan's long- and short-term environmental, economic and energy price and supply impact on the state.

5 Commission Evaluation of Plans. Amend RSA 378:39 to read as follows:

378:39 Commission Evaluation of Plans. The commission shall review proposals for integrated least-cost resource plans in order to evaluate the adequacy of each utility's planning process. In deciding whether or not the utility's planning process is adequate the commission [may] **shall** consider potential environmental, **economic** and health-related impacts of each proposed option. The commission is encouraged to consult with appropriate state and federal agencies, **alternative and renewable fuel industries**, and other organizations in evaluating such impacts. Where the commission determines the options have equivalent financial costs, equivalent reliability, and equivalent environmental, **economic** and health-related impacts, the following order of priorities shall guide the commission's evaluation:

I. Demand - side management;

II. Renewable energy sources;

III. All other energy sources.

6 New Sections; Plans Required; Conformity of Plans. Amend RSA 378 by inserting after section 39 the following new sections:

378:40 Plans Required. No rate change shall be approved or ordered with respect to any utility that does not have on file with the commission a plan that has been filed and reviewed in accordance with the provisions of RSA 378:38 and RSA 378:39. However, nothing contained in this subdivision shall prevent the commission from approving a change, otherwise permitted by statute or agreement, where the utility has made the required plan filing in compliance with RSA 378:38 and the process of review is proceeding in the ordinary course but has not been completed.

378:41 Conformity of Plans. Any proceeding before the commission initiated by a utility shall include, within the context of the hearing and decision, reference to conformity of the decision with the least cost integrated resource plan most recently filed and found adequate by the commission.

378:42 Existing Rate Plans. Notwithstanding the requirements of RSA378:37-41, nothing contained in this subdivision shall impair or change the provisions of any agreement or rate plan approved by the commission in accordance with RSA 362-C:6.

7 New Section; Changes in Existing Rate Orders. Amend RSA 362-A by inserting after section 4-a the following new section:

362-A:4-b Changes in Existing Rate Orders or Contracts. Notwithstanding any provision of law, rate orders established by the commission for the purchase of energy or energy and capacity from qualifying small power producers and qualifying cogenerators under this chapter or under applicable federal law shall only be modified prior to the expiration of the specified term of the order by mutual consent of the qualifying small power producers or qualified cogenerators and purchasing utility and approved by the commission.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Requires the public utilities commissioner to consider certain factors, including the economic impact of small power producers on the state, in all decisions affecting qualifying small power producers and qualifying cogenerators.

(2) Requires an electric utility to file an assessment of plan integration and impact on state compliance with the Clean Air Act and the National Energy Policy Act and the plan's long- and short-term environmental and economic impacts.

(3) Prohibits the commission from approving a rate change of a utility that does not have a least cost integrated resource plan on file with the commission.

where is amendment.

SENATOR W. KING: You all have in front of you amendment #5551 which has just been adopted by the Senate Economic Development Committee. I can tell you that it has been a very long few days for the members of the Senate Economic Development Committee, trying very hard to come up with a consensus agreement. On most of what you have before you, there was complete agreement. On one section, there was not agreement; and that was the section on which we concentrated, as a committee, a few minutes ago, before we made our final decision, that this bill would pass with this particular amendment on it. What you see in the amendment essentially, parts one through six deals with the public policy involved in making decisions in the future on matters similar to this. Specifically, that economic impacts and environmental impacts would be taken into account when the Public Utilities Commission makes its decision. Section seven very clearly says that in order for the PUC to approve any changes in the rate agreement, that those changes must be approved, also must be agreed upon, by both the small power producers and the purchasing utility. I don't need to go into a lot more detail, because I am sure that I will be asked to answer some questions. Let me just give you a legislative history on this issue. In 1978 we first passed the LEEPA Law. The philosophy behind the LEEPA Law was that the state ought to have a very diverse mix of energy sources

and that we ought not be overly dependant on any one particular source of energy. So it was the decision of the legislature of the state of New Hampshire that we pass a law that encouraged small power producers to get into the business of producing power to diversify our energy sources. At that time, the language said, "that rates may be changed from time to time." Between 1978 and 1980, no independent power producers built anything. And the reason was because if they could not rely on an income stream that they could depend on in order to build their power plants, then they were afraid that the state of New Hampshire would end up pulling the rug out from under them after they had constructed a \$30 million facility. So nothing was built. In 1980 the legislature came back and looked at that issue and said, okay, nobody is building anything and why not? What they found was that it was because there was no authority to set long term rates. So they put at that time, section IV in to the law, which said that the "PUC may establish long term rates." And after that the PUC entered into a number of agreements with small power producers based on a 20 year rate. Now the definition itself, if the legislature can change rates at any time, then those are short term rates; pardon me, if the PUC can change rates at any time, then those are considered to be short term rates. The reason that the long term rates were established in 1980 was so that these businesses, and they are not public utilities, they are businesses, so that they could enter into a contractual agreement with the state of New Hampshire, whereby they could count on an income stream that would pay for the financing of their plant. So in fact, that the bank would give them the money. The banks back in 1978 weren't willing to give anybody money with the possibility of New Hampshire changing the rates looming over their heads. So in 1980 we amended the law, and allowed long term rates to be set; and then that is when some of the building began of these plants, and that is when these rate agreements begin. In 1988 as a result of the fear that we might in fact reexamine these rates that these people believed were contracts; in 1988, the legislature passed, again, the law for the second time that said that these rates were legally enforceable obligations to the state of New Hampshire. A contract is a contract. So this legislature has affirmed this all along. Today what we see is that in a little more than ten years, we have built an industry all over the state of New Hampshire that now contributes more than \$300 million to our economy. We find ourselves in a position where we may lose that industry all together. That is the concern that generated Senator Hough's bill from the beginning; but it also, ultimately, ended up causing a great deal of confusion at the end of the process. Section VII says, "in essence that each side must agree to any change before the Public Utility Commission then ratifies that agreement." That levels the playing field. It says that the state of New Hampshire may not step in and change what is a contractual rate on people who went to banks or went to investors to borrow money and told them they could rely on the good word of the state of New Hampshire not to monkey with the rates during the terms of agreement. So that section VII is part of the bill, and it is an important part of the bill. The committee urges its passage.

SENATOR COLANTUONO: Could you enlighten us on what happen when the rate agreement was made after the PSNH bankruptcy, relative to these small power producers? Because it is my understanding, that during that rate agreement, that the PUC was given some direction that it was suppose to revisit this issue?

SENATOR W. KING: First of all, it is my understanding, that having spoken with many of the people who were involved in the rate agreement itself,

Senator Colantuono, that the actions that we took in 1988, which said, that these were legally enforceable obligations. Those actions were taken in anticipation of the agreement being struck. The agreement between Northeast Utilities and the state of New Hampshire; another contractual obligation, let me remind you, that does not allow us to change those rates one bit. That agreement with the state of New Hampshire essentially said that the Public Service Company/NU was to pursue in good faith, a renegotiation of those rates with the BIO Mass plans. It did not say anything what the BIO Mass plans had to do with it. In fact, had it said anything about what the BIO Mass plans had to do or had it changed the law which said that they were legally binding agreements, what you would have seen was the NU deal would have gone down in flames. That is my opinion. But the agreement with NU did not in any way affect what was in law already, which was that we had a 20 year long term rate, and in 1988 we reaffirmed that that was a legally enforceable obligation. Let me make one last point. These companies, and, I again, stress that they are not public utilities, get a fixed rate over the entire period. If they break down, they don't get anything. If they are not producing electricity, they don't get anything, unlike utilities, where we pay whether or not they are producing electricity. So even though the rates for these power plants are a little bit higher than rates from other sources, within the next few years those curves will cross, because that rate stays the same for the full 20 years. And as Public Service continues to get 5.5 percent more every year, plus some, you will see those curves cross. You will also see in the not too distant future, you will see this power actually less than the power that you see, that Public Service Company will cost.

SENATOR COLANTUONO: Could you tell us what those rates are right now, relative to the rates from normally generated electricity versus the rates from these small power producing plants?

SENATOR W. KING: Senator Colantuono, I am not trying to avoid your question, but depending on who you talk with, those figures range from a one to two cent difference to a seven cents difference, depending on whether you factor in the capital costs of all of the plants that are involved under the Public Service Company group. So my best guess is that there is less than a three cent difference per kilowatt between that power. But again, depending on who you talk with, you are going to get a lot of different answers on that one.

SENATOR COLANTUONO: Isn't it true that with this language in section VII, which requires the consent of the small power producers before any rate order is changed, doesn't that, in fact, give them a veto power over, and prevent the PUC from making any changes in the rates from now until this legislation is amended?

SENATOR W. KING: For the period of the contract. The only way the rate can be changed is if both sides agree to that. Let me again remind everybody, that these are private corporations who have entered into a contractual agreement based on the law that we sent. I use the word contractual based on the 1988 legislation that stated that these are legally enforceable obligations. If you prefer that I not use that word, I don't have any objection to that. But these are private corporations. If Senator Fraser and I, as private individuals, entered into a contractual agreement, it would not be in our interest to say that the government could get involved to break up that contractual agreement or that the government could intercede on my side or on Senator Fraser's side in order to give one of us an edge. What this language says, is that nobody will have the edge. That they negotiate

with one another, just as any good business people would do. Perhaps they will come to an agreement, perhaps they won't come to an agreement. But we will not use the force of the government of the state of New Hampshire to destroy a \$300 million industry.

SENATOR COLANTUONO: Correct me if I am wrong, but isn't it true that the government did get involved in that relationship by requiring Public Service to purchase the power from the small power producers?

SENATOR W. KING: Yes. Public Service Company is a utility. They are regulated by the government. And so, yes, the government, not only state government of the state of New Hampshire, but the federal government said, that it is in our own interest to have diverse sources of power; therefore, if the PUC approves a rate agreement, then Public Service has to buy that power. That is absolutely true. But we are talking about an agreement that was entered into, by the state of New Hampshire and the BIO Mass producers, and that agreement is a legally enforceable obligation, according to current law. So really in essence, all that we are doing today by passing this bill is reaffirming what is already law in the state of New Hampshire. That these are legally enforceable obligations. We are not going beyond that. We are reaffirming the good work of three different legislative sessions of both this Senate and the House.

SENATOR PODLES: Senator King, my constituency is always concerned about the increase in rates. Should this bill pass, is there a possibility that the rates would go up?

SENATOR W. KING: If this bill passes it will not have any effect on rates today.

SENATOR PODLES: In the future?

SENATOR W. KING: There is . . . well first of all, Public Service Company has openly admitted that even if they buy these plants out, that the rates won't go down. That it may prevent them from going up in the future, but we have sort of heard that before on arguments on a lot of other things. So I don't want to wish for what might happen in the future. So there is no guarantee about what is going to happen in the future, no matter what we do. But my feeling is, that as you see, as Public Service Company continues to receive at least 5.5 percent more a year for the cost of electricity, that you are going to find out very soon that the lines crossing, so that in fact, the power generated by these BIO Mass producers is going to be less than the power generated from other sources of Public Service Company of New Hampshire. So I do not believe that it will have an effect on the rates in the future.

SENATOR PODLES: There is no guarantee?

SENATOR W. KING: There is no guarantee of anything but death and taxes, Senator Podles.

Amendment adopted.

Ordered to third reading.

Senators Colantuono and Wheeler in opposition to SB 790.

Recess.

Senator Delahunty in the Chair.

SB 681, an act relative to fingerprinting of school district applicants for employment, and requiring record checks of non-certified applicants for employment with school administrative units or school districts. Education Committee. Ought to pass with amendment. Senator Podles for the committee.

5542B

Amendment to SB 681

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fingerprinting and criminal record checks for
newly hired school district employees.

Amend the bill by replacing all after the enacting clause with the following:

1 Criminal History Checks Required for New Hires Only. RSA189:13-a is repealed and reenacted to read as follows:

189:13-a Criminal History Checks.

I. A criminal history records check shall be conducted in accordance with this section.

II. A person newly hired by a school administrative unit or school district shall submit notarized criminal history records release forms to his employer.

III. All criminal history records release forms executed by newly hired persons shall be accompanied by a complete set of fingerprints taken by a qualified law enforcement agency or its authorized agent and shall be submitted to the New Hampshire state police for the purpose of utilizing the files and records of the New Hampshire state police and the Federal Bureau of Investigation. The New Hampshire state police shall conduct a criminal history record inquiry for all newly hired persons and process it through the Federal Bureau of Investigation.

IV. All costs arising from the processing of criminal history records checks pursuant to the provisions of this section shall be borne either by the newly hired person or the employer. The costs shall be limited to the actual direct and indirect costs arising from the processing of the criminal history records check.

V. A criminal history records check of any non-certified person newly hired by a school administrative unit or school district shall be required. The person shall submit a notarized criminal history records release form accompanied by a complete set of fingerprints taken by a qualified law enforcement agency or its authorized agent to the employer, and such criminal history records check shall be conducted pursuant to the procedures set out in paragraph III. This paragraph applies to persons employed by private businesses and agencies when such businesses or agencies contract with school administrative units or school districts to provide services, including but not limited to cafeteria workers, school bus drivers, and custodial personnel. The costs of record checks shall be borne by the employing school administrative unit or school district or the contractor, at the employing school administrative unit or school district's option. The costs shall be limited to the actual direct and indirect costs arising from the processing of the criminal history records check.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires newly hired school district employees to submit a set of fingerprints to the department of safety, division of state police for the purposes of a criminal history records check.

This bill requires a set of fingerprints and a criminal history records check of any non-certified person newly hired by a school administrative unit or school district.

This bill also removes the requirement that a criminal history records check be conducted on all employees with a school administrative unit or school district. Only newly hired persons or newly hired non-certified employees would be subject to the criminal history records check.

SENATOR PODLES: What I would like to do is to give you the background of SB 681. SB 220 was passed last year, and it was a result of a study committee. On this study committee, served Senator John King and myself, Representative Riley from the House and Representative John Laurent. There was also Jane Bangert, Director of Personnel from the Nashua Public School District and she was the Chair. Bill Lyons from the attorney general's office and Alex Blastus from the Department of Education and Lee Mason, principal from the Underhill School from Hooksett, New Hampshire. We had testimony from Ted Comstock, the legal counsel for the School Boards Association. We also had testimony from Corporal Russ Boynton, state police. Paul Krohne from the School Board Association. SB 220 as it passed in the last session, allowed the state to conduct criminal record checks before certifying teachers. According to law enforcement experts, without the fingerprints, the new law passed is now virtually useless. It is impossible to determine if the person seeking certification is who he or she says that they are. There are so many people with similar names that fingerprints are the only way to truly identify someone. Record checks in statutes simply aren't adequate. The movement of criminals is so prevalent today that they go from one state to another. SB 681 was introduced and it had the fingerprinting for prospective teachers, teachers that are coming in as new applicants. It has been changed and amended so many times, I hate to tell you how many times, to accommodate a lot of people. We now have something that came out of the Education Committee. I did not work on the amendment, so I am going to refer this to the Chairman of Education, Senator Disnard.

SENATOR HOLLINGWORTH: Senator Podles, I recall that there was a similar bill in the Judiciary Committee last year, as far as the fingerprints, and that was rejected. And what came out of it was that the bill that you say that you now need because otherwise they cannot do the check. What I was wondering is, did your committee, as in our Judiciary Committee, consider that if what you said is to be true, that you can't check to be sure to see if people are who they are, did you consider that instead of just limiting it to teachers, that maybe we should fingerprint daycare workers, legislators, doctors, lawyers, anybody else that is placed in a caring and trusting position?

SENATOR PODLES: No, I don't agree that everyone should be fingerprinted that deals with children. We have had a lot of convictions in the schools, and I have loads of papers on it. We have books and books of information. But I do believe that perhaps that those that we hire from now on, should go through the record check and also be fingerprinted. Other schools are doing it and I noticed . . . I have something from the Connecticut schools and they are starting that.

SENATOR DISNARD: Before I begin, I would like to answer the previous question. The previous question was not about health care or daycare workers, it was not needed to be included in this bill because of the so called Oprah Winfrey bill, established by the federal statutes, covers daycare type of individuals and workers. This is now, SB 681, as amended on page nine. It is a very simple bill. It is not a permissive bill and we should understand that. It refers to new hired people only, entire staff type purpose, employed at a public school. Fingerprints were eliminated from our previous bill; any fingerprinting of those individuals that are up for recertification. As you recall, a teacher, for example, has to have every three years, must have 50 hours of in-service training, plus some other requirements. I believe that you should understand, and I think that you are aware that the public's

desire in this state is to make sure that the children in their public schools are protected from the employment of individuals from other states with past experience of molesting children. I can tell you, and I can give you examples. I wish that we had had this in effect when I was a school superintendant, because people from other states are not always honest and get rid of staff members, and they will indicate that they had not had past problems with them. We should vote ought to pass with amendment on this bill for the protection of our children in the schools from those individuals that will molest them. I hope that you will consider that.

SENATOR HOLLINGWORTH: Senator Disnard, can you give us a number on how many children are molested by school teachers in comparison to let's say priests or other groups of people, doctors or other people, and why would you single out educators? Did you have some particular reason why educators are the only ones that you thought would be appropriate?

SENATOR DISNARD: Ma'am, we didn't say that. We had instances, I don't have them with me, supplied to us by the Department of Safety, of instances in this state where children were molested, and various types of molesting. I don't care if it is just one, I strongly believe that our children should be protected. You will notice today that we agreed on some check on police. The federal law that you asked a question about, is already in effect to protect those people whose children are in daycare centers. I can't understand why anyone might believe that the professionals and non professionals that work in our school system, should not be checked to protect the students in our school system.

SENATOR HOLLINGWORTH: Senator Disnard, would you believe, that I don't have a problem with this? If you think that there is a need to protect children, then we should protect them from anybody who would molest them. And that if you want to do that, why single out one class of people? Why not everybody?

SENATOR DISNARD: Certainly, ma'am, if you wish to submit a bill or if something comes along from the House to do the same thing, I will be right by your side.

SENATOR LOVEJOY: Senator Disnard, what about a teacher that has a history of teaching in one city or one community of the state and moves on to another school in the state?

SENATOR DISNARD: The question is, what about an individual, a teacher or non teacher, a staff member, who moves from a school district that has already had a fingerprinting, when this person was newly hired . . .

SENATOR LOVEJOY: No. When they haven't been fingerprinted?

SENATOR DISNARD: They would have to go through it.

SENATOR COHEN: Senator Disnard, you mentioned hearing from the public on this. You mentioned that the public was concerned. Would you believe that I have heard from a great deal of my constituents, and none of whom are teachers or parents. My constituents who are adamantly opposed to this bill because they feel, I think, justifiably so, because this is harassment to a single group of people. People who are dedicated to education?

SENATOR DISNARD: Senator Cohen, do you know where the idea came from for this fingerprinting of the newly hired? It came from two teachers in your district of Portsmouth. They spoke to Senator John King and myself on a trip to Washington. That is where the idea came from. Senator, to be perfectly frank with you, if I am going to run, and I don't know, I would not want people to say that Senator Disnard did not support the protection of the individuals that might be going to school.

SENATOR SHAHEEN: I think that all of us would agree that we are interested in protecting children. I don't think that is the issue at all here. I guess my question is, it is my understanding, that originally the bill included private schools as well as public schools, can you tell me why that was taken out?

SENATOR DISNARD: Because the committee felt, I assume, that it was unanimous, but I am not quite sure, that TAPE INAUDIBLE.

SENATOR SHAHEEN: Am I not correct though, that the state standards for those schools, and that under that umbrella that we would have the authority?

SENATOR DISNARD: No, I don't agree that the state sets standards on private schools.

SENATOR SHAHEEN: In order for a private school to stay open, is it not correct, that they have to be supervised and approved by the school in order to be accredited?

SENATOR DISNARD: I don't agree totally with that, no.

SENATOR SHAHEEN: Factually, that is correct, though?

SENATOR DISNARD: I don't agree with that either.

SENATOR SHAHEEN: Operating on the assumption that any school that the state accredits, we would therefore have some control over, would it not be appropriate to include those schools as part of this legislation if our concern is that because of the proximity of teachers to students? I am not saying that I necessarily agree with this, but if the assumption is that therefore teachers carry a special risk with them, would we not want to extend that protection to them, to all teachers who might be operating in this arena?

SENATOR DISNARD: I don't disagree with that. The committee did not feel that was the way to go. My answer to that question is the same as I gave Senator Hollingworth. If something comes over from the House, the committee could look things over. And if you wish to submit an amendment, we would introduce it.

Recess.

Out of recess.

Senator Russman moved to have **SB 681**, an act relative to fingerprinting of school district applicants for employment, and requiring record checks of non-certified applicants for employment with school administrative units or school districts, laid on the table.

Adopted.

LAIID ON THE TABLE

SB 681, an act relative to fingerprinting of school district applicants for employment, and requiring record checks of non-certified applicants for employment with school administrative units or school districts.

Senator Disnard in opposition to the tabling motion of SB 681

SB 808, an act prohibiting cooperative school districts from making changes to their capital outlay and operational funding formulas from July 1, 1994, to July 1, 1997. Education Committee. Split Report: Ought to pass. Senator McLane for the committee. Split Report: Inexpedient to legislate. Senator Disnard for the committee.

SUBSTITUTE MOTION

Senator Hough moved to **substitute interim study for ought to pass.**

SENATOR HOUGH: I rise in support of the substitute motion of interim study. I filed SB 808 to prevent the dissolution of the Kearsarge Cooperative School District. For some time I have known that the inequities in the way we fund education causes dissension within our communities and among our communities. I feared that the Kearsarge School District was about to tear itself apart and, I filed SB 808 hoping that it would buy enough time to resolve the crisis threatening this and many other school districts throughout the state of New Hampshire. At the time that I filed this bill, I knew full well that the bill was nothing more than a temporary and imperfect response to the Kearsarge School District crisis. Quite frankly, at the time, it was the only available means that I had to bring attention to this very serious and divisive situation. Mr. President, last night, the voters of New London took the first step towards withdrawing from the Kearsarge School District. In light of this action, I think it is appropriate to refer this bill to interim study. Mr. President, under the provisions of RSA 195:24-30, there will be a study and the study will study all of the aspects that are confronting the Kearsarge School District. There is the question of cost allocation. There is the question of the disproportionate share. There is the question of withdrawal. There is the question of the splitting up of the school districts. It is time for cool heads in the Kearsarge School District to come to the table. And quite frankly, the initial step has taken place. There will be amongst the members of the communities, in the ensuing weeks and months, an attempt to address this situation. These tensions and strife within the Kearsarge District are increasingly common throughout our state as the mechanism for funding schools pits neighbor against neighbor and town against town. Mr. President, in New Hampshire, the way that we fund education is verging on class warfare. In the case of the Kearsarge District, the town of New London, the wealthiest town in the District, has the resources to contemplate secession. Should they withdraw, the already onerous burden on the remaining towns will increase. And the strife within these communities will increase with it. Just as New London and its neighbors have turned against each other, residents of towns and cities are turning against each other as the schools become the scapegoats for the cruel effects of the property tax system in this state. So long as the state of New Hampshire fails to fulfill its responsibility to overcome the inequities in school funding, the tensions expressed last night in New London will mount. There are those who would have us believe we should be devoting our energies to a debate about the quality of education. They ignore reality. The reality is that education is the whipping boy for taxpayers angry and frustrated by ever rising property taxes. We should be discussing the quality of education — but — we are distracted and divided by the increasingly bitter wrangling about taxes. Throughout my twenty years in the legislature I have championed many efforts to enhance the educational opportunities for all our children. At the same time, I have never disguised my preference for increased state support of our schools. I joined the plaintiffs in the school funding suit because I believe that until the state fulfills its responsibilities the tension within our communities threatens the progress we have achieved. In fact, the dissension within our communities puts the future of our children — and our state — at risk. What happened in New London has and will, in one form or another, repeat itself in many other town meetings. And until we resolve the issues now before the court, things will not get better — they will only get worse. I regret that we have yet to muster the political will to address this issue — an issue that threat-

ens the very fabric of our communities and our state. Until we find that will, we cannot begin to heal the very deep wounds that fester in cities and towns across the state. Mr. President, in conclusion, to quote Lincoln, "I say that the dogmas of the quiet past are inadequate to the stormy present. We must disenthral ourselves and we must think anew." It is time for the state of New Hampshire, it is time for the policy makers in the state of New Hampshire to think anew. We are at a turning point in this state's history and this is one indication of the forces that bring us to the present. I support the motion of interim study. It buys time for cool heads to prevail and reasonable people to do things that, hopefully, will again be done in the New Hampshire way. Thank you, Mr. President.

SENATOR DISNARD: I also support the pending motion of interim study.

Adopted.

SB 808 is sent to interim study.

Recess.

Senator Hough in the Chair.

SB 539, an act relative to "willing providers" and health insurance plans. Insurance Committee. Split Report: Inexpedient to legislate. Senator Russman for the committee. Split Report: Ought to pass with amendment. Senator Hollingworth for the committee.

5440B

Amendment to SB 539

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting certain restrictions in agreements between health care insurers and health care providers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Insurance Plans; Certain Agreement Restrictions Prohibited. Amend RSA 415 by inserting after section 15 the following new section: 415:15-a Agreements with Providers; Prohibited Restrictions.

I. A health care insurer shall not condition membership in its plan or network on a provider's agreement to provide medical services to that plan or network only. A plan or network shall not discriminate against, or in anyway penalize, current or prospective providers because the provider is a member of, or seeks to become a member of, another plan or network, including but not limited to discrimination regarding payment or reimbursement to such providers.

II. Nothing in this section shall be deemed to prevent or restrict insurers and providers from otherwise freely negotiating conditions of membership in a plan or network, payment or reimbursement rates, or both.

III. Any insurance plan or network which relies upon health care providers that are full-time employees of the insurer or its affiliate shall be exempt from the requirements of paragraph I.

2 New Section; Insurance Plans; Agreement Restrictions Prohibited. Amend RSA 415-A by inserting after section 6 the following new section:

415-A:7 Agreements with Providers; Prohibited Restrictions.

I. A health care insurer shall not condition membership in its plan or network on a provider's agreement to provide medical services to that plan or network only. A plan or network shall not discriminate against, or in anyway penalize, current or prospective providers because the provider is a member of, or seeks to become a member of, another plan or network, including but not limited to discrimination regarding payment or reimbursement to such providers.

II. Nothing in this section shall be deemed to prevent or restrict insurers and providers from otherwise freely negotiating conditions of membership in a plan or network, payment or reimbursement rates, or both.

III. Any insurance plan or network which relies upon health care providers that are full-time employees of the insurer or its affiliate shall be exempt from the requirements of paragraph I.

3 New Section; Health Insurance Plans; Agreement Restrictions Prohibited. Amend RSA 415-E by inserting after section 10 the following new section:

415-E:10-a Agreements with Providers; Prohibited Restrictions.

I. A health care insurer shall not condition membership in its plan or network on a provider's agreement to provide medical services to that plan or network only. A plan or network shall not discriminate against, or in anyway penalize, current or prospective providers because the provider is a member of, or seeks to become a member of, another plan or network, including but not limited to discrimination regarding payment or reimbursement to such providers.

II. Nothing in this section shall be deemed to prevent or restrict insurers and providers from otherwise freely negotiating conditions of membership in a plan or network, payment or reimbursement rates, or both.

III. Any insurance plan or network which relies upon health care providers that are full-time employees of the insurer or its affiliate shall be exempt from the requirements of paragraph I.

4 New Section; Health Insurance Plans; Agreement Restrictions Prohibited. Amend RSA 419 by inserting after section 5-e the following new section:

419:5-f Agreements with Providers; Prohibited Restrictions.

I. A health care insurer shall not condition membership in its plan or network on a provider's agreement to provide medical services to that plan or network only. A plan or network shall not discriminate against, or in anyway penalize, current or prospective providers because the provider is a member of, or seeks to become a member of, another plan or network, including but not limited to discrimination regarding payment or reimbursement to such providers.

II. Nothing in this section shall be deemed to prevent or restrict insurers and providers from otherwise freely negotiating conditions of membership in a plan or network, payment or reimbursement rates, or both.

III. Any insurance plan or network which relies upon health care providers that are full-time employees of the insurer or its affiliate shall be exempt from the requirements of paragraph I.

5 New Section; Health Insurance Plans; Agreement Restrictions Prohibited. Amend RSA 420 by inserting after section 8 the following new section:

420:8-a Agreements with Providers; Prohibited Restrictions.

I. A health care insurer shall not condition membership in its plan or network on a provider's agreement to provide medical services to that plan or network only. A plan or network shall not discriminate against, or in anyway penalize, current or prospective providers because the provider is a member of, or seeks to become a member of, another plan or network, including but not limited to discrimination regarding payment or reimbursement to such providers.

II. Nothing in this section shall be deemed to prevent or restrict insurers and providers from otherwise freely negotiating conditions of membership in a plan or network, payment or reimbursement rates, or both.

III. Any insurance plan or network which relies upon health care providers that are full-time employees of the insurer or its affiliate shall be exempt from the requirements of paragraph I.

6 New Section; Health Insurance Plans; Agreement Restrictions Prohibited. Amend RSA 420-A by inserting after section 7-h the following new section:
420-A:7-i Agreements with Providers; Prohibited Restrictions.

I. A health care insurer shall not condition membership in its plan or network on a provider's agreement to provide medical services to that plan or network only. A plan or network shall not discriminate against, or in anyway penalize, current or prospective providers because the provider is a member of, or seeks to become a member of, another plan or network, including but not limited to discrimination regarding payment or reimbursement to such providers.

II. Nothing in this section shall be deemed to prevent or restrict insurers and providers from otherwise freely negotiating conditions of membership in a plan or network, payment or reimbursement rates, or both.

III. Any insurance plan or network which relies upon health care providers that are full-time employees of the insurer or its affiliate shall be exempt from the requirements of paragraph I.

7 New Section; Health Insurance Plans; Agreement Restrictions Prohibited. Amend RSA 420-B by inserting after section 8-i the following new section:
420-B:8-j Agreements with Providers; Prohibited Restrictions.

I. A health care insurer shall not condition membership in its plan or network on a provider's agreement to provide medical services to that plan or network only. A plan or network shall not discriminate against, or in anyway penalize, current or prospective providers because the provider is a member of, or seeks to become a member of, another plan or network, including but not limited to discrimination regarding payment or reimbursement to such providers.

II. Nothing in this section shall be deemed to prevent or restrict insurers and providers from otherwise freely negotiating conditions of membership in a plan or network, payment or reimbursement rates, or both.

III. Any insurance plan or network which relies upon health care providers that are full-time employees of the insurer or its affiliate shall be exempt from the requirements of paragraph I.

8 New Section; Health Insurance Plans; Agreement Restrictions Prohibited. Amend RSA 420-C by inserting after section 5 the following new section:
420-C:5-a Agreements with Providers; Prohibited Restrictions.

I. A health care insurer shall not condition membership in its plan or network on a provider's agreement to provide medical services to that plan or network only. A plan or network shall not discriminate against, or in anyway penalize, current or prospective providers because the provider is a member of, or seeks to become a member of, another plan or network, including but not limited to discrimination regarding payment or reimbursement to such providers.

II. Nothing in this section shall be deemed to prevent or restrict insurers and providers from otherwise freely negotiating conditions of membership in a plan or network, payment or reimbursement rates, or both.

III. Any insurance plan or network which relies upon health care providers that are full-time employees of the insurer or its affiliate shall be exempt from the requirements of paragraph I.

9 New Section; Health Insurance Plans; Agreement Restrictions Prohibited. Amend RSA 420-F by inserting after section 7 the following new section:
420-F:7-a Agreements with Providers; Prohibited Restrictions.

I. A health care insurer shall not condition membership in its plan or network on a provider's agreement to provide medical services to that plan or network only. A plan or network shall not discriminate against, or in anyway penalize, current or prospective providers because the provider is

a member of, or seeks to become a member of, another plan or network, including but not limited to discrimination regarding payment or reimbursement to such providers.

II. Nothing in this section shall be deemed to prevent or restrict insurers and providers from otherwise freely negotiating conditions of membership in a plan or network, payment or reimbursement rates, or both.

III. Any insurance plan or network which relies upon health care providers that are full-time employees of the insurer or its affiliate shall be exempt from the requirements of paragraph I.

10 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill prohibits a health care insurer from restricting membership to providers who agree to provide medical services only to that insurer's plan or network.

Recess.

Out of recess.

SENATOR DELAHUNTY: Mr. President, there are two reports in the calendar, one being ought to pass and one being inexpedient to legislate. What we are asking the legislative body to do is to reject both motions or both proposals, along with the amendment that appears in the calendar. We have a floor amendment that we would like to introduce, and ask you to support the floor amendment. So at this time, we have no report on either ought to pass with amendment or inexpedient to legislate. Please defeat the split reports.

SENATOR HOUGH (In the Chair): To make sure that the parliamentary situation is correct, and unless otherwise instructed by the Clerk, Gloria, the parliamentary situation is this: there are two reports of the committee. Senator Delahunty has been recognized to speak to the report of inexpedient to legislate. Senator Hollingworth does not wish to speak to the report of ought to pass with amendment by the committee. Senator Delahunty has indicated that the committee wishes to have you defeat the committee amendment. The bill then would be on ought to pass and open to further amendment. If a further amendment were offered from the floor, it would be in order at that time.

SENATOR RUSSMAN: I rise to speak to the committee amendment. The idea is that by speaking to the committee amendment is to let others know that if they don't like the amendment, certainly an amendment for a real study, not just interim study, but a real study could be in order at that time. In fact, it may well be in order or maybe that would happen here. And in fact, with the indulgence of the President, that is the plan. So we would hope to get on with this and perhaps get our votes done and have the study done.

Amendment failed.

Senator Hollingworth offered a floor amendment.

5569B

Floor Amendment to SB 539

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the issue of exclusivity
contracts between health care insurers and
health care providers.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is hereby established a committee to study the issue of exclusivity contracts between health care insurers and health care providers. The committee shall be composed of the following:

- I. Two senators, appointed by the senate president.
- II. Two representatives, appointed by the speaker of the house.
- III. One public member, appointed by the governor.
- IV. The commissioner of the department of health and human services, or designee.
- V. The insurance commissioner, or designee.
- VI. A representative of the New Hampshire Medical Society, appointed by such society.

2 Duties and Report. The committee shall hold its first meeting within 30 days after the effective date of this act at the call of the first-appointed senator. The members shall elect a chairperson of the committee at the first meeting. Subsequent meetings shall be at the call of the chairperson. The committee shall study the issue of exclusivity contracts between health care insurers and health care providers and shall report its findings and any recommendations for legislation on or before November 1, 1994, to the governor, senate president, and speaker of the house.

3 Mileage. The members of the committee shall not be compensated for committee work, however legislative members shall receive mileage at the usual legislative rate when attending to the duties of the committee.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the issue of exclusivity contracts between health care insurers and health care providers.

SENATOR HOLLINGWORTH: I rise to offer a floor amendment. This is an amendment to take and study a problem that came late to the Insurance Committee. We felt it was just too extensive to try to bring to you with such short notice. So we are setting up a study committee, and they will report back in the next legislative session on an issue dealing with health care, and perhaps they will be able to give us the kind of facts and evidence that we need to make good legislation.

Floor amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Disnard moved to have **SB 783-LOCAL**, an act requiring bond issues to be placed on the official ballot, taken off the table.

Adopted.

SB 783-LOCAL, an act requiring bond issues to be placed on the official ballot. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

5507B

Amendment to SB 783-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Removing Reference. Amend RSA 33:3-d, I to read as follows:

I. A municipality or county may authorize the issuance of refunding bonds in order to pay all or part of any issue of bonds called or to be called for redemption, including any redemption premium thereon, all or part of the interest coming due on or prior to the date on which the outstanding

bonds are redeemed, and the costs of issuing and marketing the refunding bonds. The authorization and issuance of refunding bonds shall be subject to the same requirements and provisions of law as would then be applicable to the authorization and issuance of the bonds being redeemed, as far as apt. In a town, school district, or village district, but not in a city, such refunding bonds may be authorized by the governing body of such town, school district, or village district, notwithstanding the provisions of RSA 33:8. [In this case, the authorization of refunding bonds shall not be subject to RSA 33:8-a, provided that] There shall be at least one public hearing concerning any proposed refunding bond issue in excess of \$100,000 held before the governing body of the town, school district, or village district. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the town, school district, or village district at least 7 days before the hearing is held.

2 Town or District Bonds and Notes. RSA 33:8 is repealed and reenacted to read as follows:

33:8 Town or District Bonds or Notes.

I. Except as otherwise specifically provided by law, the issue of bonds or notes, except tax anticipation notes, by any municipal corporation, except a city or a town council town which has adopted a charter pursuant to RSA 49-B without a budgetary town meeting shall be authorized by a vote by official ballot of 2/3 of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose.

II. The governing board shall hold a public hearing at least 30 days prior to the date for the annual or special meeting.

III. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such annual or special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same.

IV. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting.

V.(a) The town clerk shall prepare an official ballot which shall include the following question:

"Are you in favor of appropriating the sum of \$_____ for the purpose of _____, with said sum to be in addition to any federal, state or private funds made available therefor and of authorizing the issuance of not more than \$_____ of bonds or notes in accordance with the provisions of the Municipal Finance Act, RSA 33?"

(b) When submitting the question under this paragraph to the voters, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

VI. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing body of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting.

VII. If a 2/3 majority of the voters present and voting on the issuance of bonds or notes shall vote in the affirmative, the appropriation and issuance of bonds and notes in the amounts so stated in the question shall be declared to have been adopted.

VIII. The issuance of tax anticipation notes shall be authorized by a majority vote at town or district annual or special meeting.

IX. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing body, or a majority of the governing body, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing body or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing body.

3 Procedures for Authorizing Bonds or Notes in Certain Municipalities. RSA 33:8-d is repealed and reenacted to read as follows:

33:8-d Procedures for Authorizing Bonds or Notes in Town Council Towns Adopting Charters Pursuant to RSA 49-B.

I. The town council of any town which has adopted a charter pursuant to RSA 49-B shall have the authority to issue bonds or notes, as follows:

(a) The town council shall, after notice and public hearing at a regularly scheduled council meeting, order a referendum on the issuance to be held on the Tuesday not less than 60 nor more than 67 days from the regular meeting at which the order is passed.

(b) The town council shall hold at least one additional public hearing on the proposed bond or note after the issuance of its order for a referendum. The hearing shall be held at least 30 days, but not more than 60 days, prior to the referendum.

(c) Notice of the time, place and subject matter of such hearings shall be published in a newspaper of general circulation in the municipality at least 7 days before the hearing is held and posted in at least 2 public places in the municipality.

(d) An additional public hearing shall be held if the proposed bond or note issue is substantively altered by the town council after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and shall comply with the same notice requirements.

(e) An official copy of the final bond or note proposal shall be placed on file with the town clerk and made available to the public 7 days before the referendum and displayed at the voting place on the day of the referendum.

(f)(1) The town clerk shall prepare an official ballot which shall include the following question:

"Are you in favor of appropriating the sum of \$_____ for the purpose of _____, with said sum to be in addition to any federal, state or private funds made available therefor, and of authorizing the issuance of not more than \$_____ of bonds or notes in accordance with the provisions of the municipal finance act, RSA Chapter 33?"

(2) When submitting the question under this section to the voters, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

(g) If a 2/3 majority of the voters present and voting on the issuance of bonds or notes shall vote in the affirmative, the appropriation and issuance of bonds or notes in the amounts so stated in the question shall be declared to have been adopted.

II. The issuance of tax anticipation notes shall be authorized by a majority vote of the town council.

III. This section shall not apply to towns which have adopted a charter calling for a budgetary town meeting pursuant to RSA 49-D:3, III. The issuance of bonds or notes in such towns shall be governed by RSA 33:7 and 33:8.

4 Bond Issues. Amend RSA 39:3-d, IV to read as follows:

IV. Articles concerning the issuance of bonds or notes *under RSA33* shall [not] be placed on the official ballot *in accordance with RSA 33*.

5 Removing Reference. Amend RSA 374-B:2, I to read as follows:

I. Any municipality, when authorized by a 2/3 vote as defined in RSA33:8 [for bonds or notes not in excess of \$100,000, or in RSA 33:8-a for other bonds or notes for towns and village districts] or in RSA 33:9 for cities, may, subject to the approval of the commission under RSA 369:1, borrow money through the issue of revenue bonds to finance project costs, or its share of project costs, of electric power facilities. The commission in rendering its decision shall, in addition to the other requirements of said RSA 369:1, approve only such issue as the commission finds, after notice and opportunity for hearing, is appropriate to finance an electric power facility which is both consistent with the power needs of the state and necessary to supply the load plus reserve requirements created by the municipality's retail customers, and by such wholesale customers as may have existed on the day of the vote of the municipality, said load plus reserve requirements to be forecast by the municipality at a time 3 years beyond the scheduled date for commencement of commercial operation of the facility; in evaluating the ability of the municipality to supply its load plus reserve requirements at said time, the commission shall deduct from these requirements all capacity in other generating units to which the municipality will then be entitled by ownership or contract, including any contracts for the purchase of electricity to be in force at said time. The project costs to be financed may include finance charges, interest prior to and during the carrying out of any project and for a reasonable period thereafter, prepayments under contracts made pursuant to RSA 374-A:2, the funding of notes issued for project costs as hereinafter provided, such reserves for debt service (including a common reserve for debt service established pursuant to an agreement for consolidation of indebtedness under paragraph VI) or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

6 Repeal. RSA 33:8-a, relative to procedure for authorizing bonds or notes in excess of \$100,000, is repealed.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that the official ballot be used in certain municipalities on questions concerning the issuance of bonds and notes.

Question is on the committee amendment.

SENATOR LOVEJOY: This is like *deja vu* all over again, Mr. President. The voter turnout for a typical town meeting was between two and five percent, whereas the voter turnout for election days in the town was closer to 20 percent. This indicates that more people would get a chance to vote if it were on an official ballot. All that this bill does, is to change the place and the time to the election day, making it more efficient in addressing many issues. The amended bill accomplishes the purpose of subjecting all bonds and notes to a two thirds vote by official ballot, except tax anticipation notes and others dealt with specifically, such as tax leave reduction notes. I move adoption of the committee report of ought to pass with amendment.

SENATOR MCLANE: Is this similar to a bill that the Senate defeated before which concerned the state telling local communities how to run their affairs?

SENATOR LOVEJOY: I don't know what bill you are remembering, Senator, but no, I would say not to my knowledge.

SENATOR MCLANE: I guess that my next question would be: how would a person learn the details of a fiscal problem if there were no opportunity to question those proposing it?

SENATOR LOVEJOY: There would be ample opportunity to discuss, and debate remains as it is now. The only thing that would change is how the vote is taken.

SENATOR MCLANE: The third question that I have is: do you assume that more spending measures would be defeated if this bill went into effect?

SENATOR LOVEJOY: I couldn't assume that, Senator, any more than I could assume that more spending issues would be passed. It could go either way. I think that the effort to get the will of the most people at an election in the election process, is one that merits our attention, and that is what this bill is designed to do.

SENATOR MCLANE: I guess that you really answered my last question which is, is the motivation to defeat more spending measures?

SENATOR LOVEJOY: Absolutely not. The motivation is to encourage the people's will to be expressed at a voting booth on issues that are important to them. Win, lose or draw, the majority should prevail, and we can encourage a larger turnout, then I think that we should do that.

SENATOR SHAHEEN: Senator Lovejoy, does this apply only to municipalities or would this also apply to school districts?

SENATOR LOVEJOY: It applies to any bond issues that would be entered into by the town.

SENATOR SHAHEEN: You are saying by the town. Does that also apply to school districts?

SENATOR LOVEJOY: Yes, it would.

SENATOR SHAHEEN: Can you tell me how this differs from HB 497 that the House sent to interim study earlier?

SENATOR LOVEJOY: Well this doesn't include tax anticipation notes. It includes only towns without a budgeting town meeting. Only towns without a budgeting town meeting will not have to put it on the official ballot. This simply, Senator, is an effort to create an opportunity for those who wish to vote, to have the ability to vote. It doesn't exclude those who can attend the meeting and have to vote at the meeting, it includes them. It doesn't exclude those who have to work during the hours of the town meeting, it includes them. It doesn't exclude those young families who have to get a babysitter or stay with a child, it includes them. It doesn't exclude the elderly who can't sit through a town meeting long enough for a vote, it includes them. It gives the opportunity to express at a ballot box, their will.

SENATOR SHAHEEN: I certainly support trying to give as many people as possible the opportunity to vote. I don't think that's really the issue here. I guess the question that I have is, this bill looks to me like HB 497, except that it applies only to bonds as opposed to the entire budget. And I guess given that the Senate has already expressed its will earlier on a Senate Bill that was similar to HB 497, and that the House has already taken action on HB 497, and sent it to interim study. It seems to me that it would be appropriate for us not to pass this bill, because it is essentially the same issue?

SENATOR LOVEJOY: No, this is dealing with bonds only. The other one deals with a lot of other issues

SENATOR SHAHEEN: I understand that it deals with bonds only. But the fact is that it would, in fact, remove the opportunity for school districts and for towns to vote on bond issues in the way that they have always done it at a district meeting or a town meeting where there is an opportunity to discuss the issue and to get information. And while I recognize that the bill provides for a hearing, the current system of issuing bonds also provides for a hearing, so that doesn't change at all.

SENATOR LOVEJOY: We don't agree that it is the same bill as HB 497, Senator, no we don't. We feel that this is a good bill. It is dealing with borrowing the monies. It gives the opportunity of all of those who wish to vote that chance.

SENATOR SHAHEEN: Can you tell me if the Municipal Association has taken a position on this?

SENATOR LOVEJOY: The Municipal Association has taken a reverse position on this.

SENATOR SHAHEEN: So the Municipal Association opposes this bill? Thank you.

SENATOR MACDONALD: My question is, I of course have read the bill, but then today I sit here and I get this whole document, and what it all comes down to, to me, on this type of bill is, I like to see an article go on the warrant, at a town meeting, to discuss and amend it. You have the right to change it at a town meeting. Then you vote on it. Now, I have no problem if you wind up with the vote at a later time, but when I go in there, I don't want to lose my right of discussion, and my right to amend on the floor. I don't care when we take the vote after that. We can take it the same night, although it was kind of miserable the other night, but you are not saying that, are you?

SENATOR LOVEJOY: No. We are saying that you can discuss and you can amend, but then the vote, the method of taking the vote would change. It would then be by official ballot rather than by the traditional manner.

SENATOR MACDONALD: The only thing is, that what you are saying is that we have our voting on the same day that we have our town meeting, the town meeting is night. So all of our voting is done in the morning. And what you are saying is, we can do our voting in the morning like we are doing now, have our town meeting, amend up or down, whatever we want to do on the floor to the article. Then on some other day we would have to have another meeting to vote on just those items. Is that what you are saying?

SENATOR LOVEJOY: The polls would be open for a paper ballot for the voters of your town that voted on the ballot.

SENATOR MACDONALD: But you would have to have two different days of voting on the process?

SENATOR LOVEJOY: You would have your meeting day and then you would have your voting day.

SENATOR MACDONALD: I am still confused.

SENATOR COHEN: I am not sure that this would be the question that you want, but perhaps it will be. I guess that following up on the previous discussion on HB 497, it seems to me there is a similarity. My question is, would both of those . . . it appears to me that both would undermine and subvert the legitimate traditional form of municipal government. These are

people who have been elected to serve the people. I just don't understand how you can say that this would not undermine that traditional form of government and its local control in that sense?

SENATOR LOVEJOY: I guess that was a would you believe? I believe whatever you say, Senator.

SENATOR COHEN: Oh, good, thank you, Senator.

SENATOR SHAHEEN: I want to follow up a little bit on Senator MacDonald's question, because I am not sure that I understand how this would work under the bill. You're saying that any bond would be on the ballot. So that when I went to my town meeting in Madbury on Tuesday, for example, voting opened at 10:00 a.m. We had a bond issue that night dealing with the purchase of some land. If this bill passed, the way that would happen in the future, would be that that bond issue would appear on the ballot, and people could come at 10:00 and vote all day long until the end of town meeting. But what I am confused about is how that would interface with the discussion that you just had with Senator MacDonald, where it sounded like you were saying that people go ahead and talk about the issue at town meeting and discuss it, but they would still vote on it. But if voting starts at 10:00 and town meeting doesn't happen until seven o'clock, how can you discuss it at town meeting, after people have already voted on it in the morning?

SENATOR LOVEJOY: I was looking for it in the amendment, Senator, but it is my understanding that the vote would be taken. A meeting would be held, the item would be discussed and amended, and the pros and cons would be given, and the people would then have the opportunity to vote through a ballot box and vote up or down. I would like to, if I could, yield to the sponsor who is Senator Roberge, to clarify my understanding?

SENATOR ROBERGE: There is nothing really in current law that places a hearing on a certain day of the year. Obviously, the hearing is going to come before the vote.

SENATOR SHAHEEN: I don't see that that is a problem, except that what Senator MacDonald was saying about would you still have the opportunity at town meeting to discuss the issue, and the answer to that is no. Because you are talking about a hearing being held in advance of the bond issue. That, in fact, is the way that it is done now.

SENATOR ROBERGE: I know that it is being done now. What is to prevent you no . . . you have your hearing this last Wednesday night, and then you also have your voting all day next Wednesday from seven to seven. You have already debated it. You have amended it. Then you get it on the official ballot at your official voting place. Usually, Madbury has a relatively short meeting, but Bedford has twelve hours from seven to seven and a lot of the larger places do, too. So instead of having people come and maybe have to sit in their hard metal chairs, in what might be a four hour meeting and wait until the very end to be able to cast their vote on these very expensive issues. Because a lot of them are very expensive, and certainly most of them are money issues. They would have that longer window of opportunity so that even if they do work, or even if they do have babysitting responsibilities, a lot of the elderly can't drive at night, because they don't see well or that they just aren't able to go out ever after dark, and this is not going to stop now. It just widens the opportunity for people to be able to vote on these often very expensive issues. That is what we are hearing. People want to vote.

SENATOR SHAHEEN: But in fact, it does preclude the discussion that Senator Lovejoy had with Senator MacDonald. It does preclude the discussion of that item at the town meeting the day of the ballot? Because it would be on the ballot earlier?

SENATOR ROBERGE: You're talking about two different things. You are going to be discussing it, maybe in a week and amending it. Then it is going to go on the ballot on election day.

SENATOR SHAHEEN: That is my understanding. I don't believe however, that that is the answer that Senator Lovejoy gave Senator MacDonald about town meeting. And in fact, that is the way that it currently is on bond issues right now. There is a hearing before the bond issue at the town meeting or school district meeting, so that there is an opportunity to discuss it or amend it or whatever before the vote, at the meeting.

SENATOR ROBERGE: At the meeting, is how it is done now. This would delay it.

SENATOR SHAHEEN: Right. No, no.

SENATOR ROBERGE: You wouldn't be discussing it and amending it on the same day that you are voting on it.

SENATOR SHAHEEN: You don't do that now.

SENATOR ROBERGE: We do now.

SENATOR DISNARD: Senator Lovejoy, would you believe that the statutes now for a school district meeting are that a hearing is held, and whatever they vote, usually, Claremont, for example, two weeks ago, the polls must be open for one hour after the discussion on the vote of the people on the bond issue of over \$50,000. The polls must be open at least an hour after any bond issue over \$50,000 after a discussion. That is not to say that they couldn't have it some other time. Right now, I don't know about TAPE INAUDIBLE but the present law says that it must be open. Would you believe, that there is a school district meeting, and there is an article on the warrant for a bond issue voted at the sum of \$50,000 it is discussed, and then it must be voted on by ballot for at least one hour?

SENATOR LOVEJOY: Yes, Sir, I would believe that?

SENATOR BALDIZAR: Senator Lovejoy, would believe that I am a city girl, but that I also have towns in my Senate District, and that I was at an annual town meeting this week in the town of Hollis. This was discussed with me by some of my constituents there. The question is, they have concerns, and I have concerns, that this will eliminate the real purpose for annual town meeting. Would you believe that?

SENATOR LOVEJOY: I would believe that you believe that, Senator.

SENATOR FRASER: Thank you, Mr. President, and you don't look a day older since I asked you to speak on this bill. First of all, I want to compliment Senator McLane who isn't here at the moment on her memory, because this same issue was debated in 1988, and was defeated at that time. At that time, Senator George Freese, in fact, according to the notes that were given to me, was the chairman of the committee. To me, the town meeting is the last action of pure democracy. One of the major issues that gets people to town meetings is bond issues. They might not care about how much money that we are going to appropriate for sand and salt, but if it has to do with building a new grammar school or bonding a fire truck, believe me, they are there for that meeting and those numbers. I don't know where Senator Lovejoy got them, but I can assure you that the towns in

my district, that there is more than one percent that show up. I was a selectman for six years. And in my town, there was an issue having to do with a building that I had just purchased with the blessings of the community. They decided that they didn't like what I had done. At that town meeting, we had 740 people show up to vote. In the town of Pittsfield, that is a lot of people. The most important thing that you must understand is that if there is a bond issue, it's a secret ballot at the town meeting. It requires a two thirds vote with the town meeting, just like it does if it is on the ballot. And as I say, I would hope that you would defeat this bill, because it is really not something that is in the best interest of these towns that I represent, and I have eight or nine of them, and everyone of them believe . . . I wrote to every town and asked them for their opinion. Three towns, I have never heard from. But the other five wrote back or called me, and they said they totally oppose this bill. And by the way, the New Hampshire Municipal Association also opposed this bill. Thank you, very much.

SENATOR COLANTUONO: I would like to explain briefly why the committee supported this bill and why it is a good bill. As Senator Fraser explained, bond issues have to be taken by ballot anyway and they have to pass by a two thirds vote. Just to clear up a point, and we have just been reminded of this out in the hallway, bond issues can not be amended upwards, they can only be amended downwards. So because of the fact that bond issues have to be done by a valid vote anyway, the majority of the committee thought, that it is much better to get the participation of a greater percentage of town voters who could come on the Tuesday part of the town meeting. And I want to emphasize that, because everyone says that you have to keep the traditional town meeting formed. The voting day on Tuesday is part of the town meeting. It used to all be done on the same day. The towns can still have a public hearing as they are required to do under the law. They can schedule their town meeting before the Tuesday. They can schedule it for Friday night or Saturday, or any time before that, to have their discussion. So there are no flaws in practicality in this bill. The reason that it is a good bill is exemplified by something that happened to me last Saturday. It was in the morning, and I was headed towards my own school district meeting. I stopped at the gas station and I ran into a couple of my constituents. I asked them if they were going to the meeting? They replied that, "No. We have a prior scheduled meeting down in Massachussetts." And the gentleman was very upset. He felt that he was disenfranchised for voting on the bond issues that were going to go before that meeting because he had a prior commitment. Because under the current system, the only way that a taxpayer can vote on an issue that is going to directly affect their pocketbook by way of taxes, is if they can make that meeting. They have no opportunity to vote on these at the town election day. If they are prevented by illness, by having to work, by having a family commitment, an outside commitment, no babysitter or whatever, or even if they go to the meeting and then have to leave because it has been dragging on for six or seven hours before the ballot vote is taken. They are disenfranchised. That is the reason that the people of the state want this bill. I didn't ask my town, the selectmen, what they thought about it, I asked my constituents. I have not talked to one constituent who does not think that this is a good idea.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

The following Senators voted No: Lamirande, W. King, Fraser, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

Paired votes: Senator Currier, Senator MacDonald.

Yeas: 9 - Nays: 12

Committee amendment fails.

Question is on the motion of ordering to third reading.

A division vote was requested.

Yeas: 9 - Nays: 12

Motion of ordering to third reading fails.

Senator Blaisdell moved inexpedient to legislate.

Adopted.

SB 783 is inexpedient to legislate.

SB 799, an act eliminating straight ticket voting on the ballot. Judiciary Committee. Majority Report: Inexpedient to legislate. Senator Barnes for the committee. Minority Report: Ought to pass. Senator Bourque for the committee.

Recess.

Out of recess.

Senator Blaisdell moved to have **SB 799**, an act eliminating straight ticket voting on the ballot, laid on the table.

Adopted.

LAID ON THE TABLE

SB 799, an act eliminating straight ticket voting on the ballot.

SB 621-FN, an act relative to eligibility for unemployment benefits. Public Affairs Committee. Inexpedient to legislate. Senator Barnes for the committee.

SENATOR BARNES: SB 621 would have added several sentences to the unemployment statutes regarding sexual harassment and discrimination. While the committee was sympathetic to the concerns of the sponsors, the Department of Employment Security testified that the language was unnecessary. The Department already provides unemployment compensation if someone leaves a job because of discrimination or harassment. I urge the adoption of the committee report, and I would like to continue on if I may? This bill did not draw a large crowd. It drew two sponsors of the bill and the Department of Employment Security. During the process, the prime sponsor, Senator Lamirande, brought in an amendment. After talking to the Department of Employment Security and going over it with them, the committee decided on a five to nothing vote, to not even consider it. I don't know what this one is that she is going to offer, I don't know if it is a repeat or a brother of the one that we saw earlier or not, but I guess that I will have to wait until I see it. I want you to know that the law is in place. I happen to agree with the Department of Employment Security on this. Those of you who are in business, have signs hanging in the back room of your business, notifying the employees of these laws. I will have to confess to you, before God and my Country, and 23 other Senators, that I know that they work. They cost me \$800 because I was stupid in a discrimination case about two years ago. What we have in there works very well. I came to

Concord, and I pleaded my case, and guess what? I lost. So we do have something there. If we put something else in there, the Department of Employment Security is concerned that it is going to open up the flood gates for a whole mess of law suits that aren't necessary. It is going to open the door, Pandora's Box, is going to have four sides down it. I urge you to please support the committee's report as is. One other point. Earlier this morning as we were going through the bills that there were no questions on, we came to SB 676 from the Public Affairs Committee. It was also sponsored by the sponsor of this bill, our own Senator Lamirande. I had some concerns as we went through it and the chairman was nice enough to get the Department of Employment Security over to talk to us about it. They were also nice enough to sit with Senator Lamirande. The gentleman's name was Black. I sat in on the tail end of it, and they both shook hands as Mr. Black said, "Many of your concerns, Senator, will be taken care of in SB 676, and we recognize that." And all I saw was a shake of hands and two smiles. That is all that I have to say. Thank you.

SUBSTITUTE MOTION

Senator Lamirande moved to **substitute ought to pass for inexpedient to legislate.**

SENATOR LAMIRANDE: Members of the Senate, I have listened to my colleague Senator Barnes speak, and I absorbed every word. And I would also just like to state that SB 621, and the bill that was passed this morning, are not the same bill. They are totally two different and separate elements. And yes, the Department of Employment Security, as well as the Commission for Human Rights were good enough to work with me on that other bill. I also would like to point out, that at the time of this hearing, that the Department of Employment Security did have some problems with SB 621. The problem being that they felt that this would be a repetitious or a redundant of an already existing law which I have looked into, and in fact, I wish to make a comment on that. The present law makes no mention of discriminatory practice in relation to voluntary quit. Administrative Rules make no mention of discriminatory practice in relation to good cause, that deals with voluntary termination. What the Administrative Rules refer to, is a reason which is not attributable to the employer and goes on to expand on that. What SB 621 does is augment the present law in relation to eligibility for unemployment benefits. A step towards rectifying the inadequacies that presently exist. I would also point out, that if in fact that this law were to pass, it would do just the opposite as what Senator Barnes has suggested. It would not, in fact, open a flood of law suits. It would be a deterrent towards a flood of law suits. The bill as written, states what is present law now is, "he left his work voluntarily without good cause in accordance with rules of the Commissioner." What would be added would be, "voluntarily without good cause," does not mean an employee who has left his work as a consequence of harassment and any other unlawful discriminatory practice, because of an individual's age, race, creed, color, national origin, sex, disability or marital status. Harassment based upon sex, shall include, but not be limited to, any repeated, unwanted, verbal or physical advances made by the employer, agent of the employer, another employee, a client or a customer. The only thing that this bill would do is to state that in this particular situation, an individual that would have of course proven this, but it would not be considered without good cause, because it doesn't refer to that in any way, shape or manner, in any of the laws as written right now. And the reason that there wasn't an abundance of people testifying either in support or opposition to the bill, especially in

support of the bill, is because my constituents, as all of you well know, are based over 100 miles from here. And for them to be able drive down here when they can't even draw unemployment benefits would be a hardship, an added on hardship to them. This bill was introduced at the request of several constituents in the Coos County area. I hope that you can see that the Administrative Rules in present law right now, there is nothing out there that refers to this part of the bill that I am proposing. I urge your support of the motion of ought to pass.

SENATOR BARNES: Would you believe, Senator, that the Commissioner of DES and their legal department disagree with you?

SENATOR LAMIRANDE: No, I would not disagree with you, Senator Barnes. But I would point out that the main purpose of this was not the part of the bill that you referred to that the Commissioner disagreed with. I would also like to point out that the Division of Human Rights Commission did not disagree with the bill.

SENATOR ROBERGE: Mr. President and members of the Senate, I have two, I won't read you all of their testimony, from Robert Dorsch. But I do have a couple of comments that he made, and I will quote from the hearing, "may have a result that is more restrictive on our paying benefits than our present practice." Then he goes on to say, "the effect would be nil. In other words, there is no need for the legislation, that is what I am saying."

Question is on the substitute motion of ought to pass.

A division vote requested.

Attentively manifested.

Adopted.

Senator Lamirande offered a floor amendment.

5580B

Floor Amendment to SB 621-FN

Amend the bill by replacing all after the enacting clause with the following:
1 Eligibility for Unemployment Benefits; Voluntary Termination. Amend the introductory paragraph of RSA 282-A:32, I(a) to read as follows:

(a) He left his work voluntarily without good cause in accordance with rules of the commissioner. *In this section, "voluntarily without good cause" does not mean an employee who has left his work as a consequence of harassment or any other discriminatory practice because of an individual's age, race, creed, color, national origin, sex, disability, or marital status. Harassment based upon sex shall include, but not be limited to, any repeated unwanted verbal or physical sexual advances made by the employer, agent of the employer, another employee, a client, or a customer.* This section shall not apply and benefits shall be paid without regard thereto where:

2 Effective Date. This act shall take effect upon its passage.

SENATOR LAMIRANDE: The reason for the amendment is that there were some people who were concerned, as was the Department of Employment Security with the term 'unlawful discriminatory practice,' so what the amendment does is to take out the word 'unlawful.' The bill remains the same as far as that goes, but the only word that is taken out is the word 'unlawful,' because that seemed to be one of the biggest problems with the Department of Employment Security.

Floor amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Blaisdell moved to have **SB 799**, an act eliminating straight ticket voting on the ballot, taken off the table.

Adopted.

SB 799, an act eliminating straight ticket voting on the ballot.

SENATOR BARNES: Before I get started, I would like to shake hands with my worthy opponent and maybe he will vote with me on this. The Public Affairs Committee voted this legislation inexpedient to legislate. The straight ticket is a legitimate way for voters to vote for the party of their choice. Voting the party line, according to polling done by UNH Professor David Moore, still is a common practice even in this day of Ross Perot and other independant candidates. When voters do not know anything about a candidate, they tend to vote for the candidate of their political party. The straight ticket option makes it easy for them and it preserves their choice, and makes it convenient. Clearly, voters want this option. Anywhere from 20 to 40 percent of the voters in any given election, exercise their right to choose the straight ticket choice. Why should we take away this popular way of voting? Thirteen other states have straight ticket voting. According to Legislative Research, there are no repeal efforts underway in any of these other 13 states. I would also like to point out that there were no members of the public that testified in favor of this legislation. I urge you to turn down this motion and adopt the committee report. And to prevent a question that might come up, I will answer it for you now. I am sure someone out there, maybe several of you will ask this question. I want you to know that in the year of 1897 straight ticket voting went into effect in New Hampshire, and it has been tremendously effective. Thank you.

SENATOR BOURQUE: I rise for the support of ought to pass. It is not often that the Concord Monitor, the Manchester Union Leader, and Foster's Daily Democrat, all have the same editorial opinion on an issue before the Senate. This is a once in a blue moon issue. So rather than me talking to you about why we need this legislation, let me quote the newspaper. The Manchester Union Leader, "This bill prevents no one from voting a straight party ticket if that is his or her choice. It simply encourages intelligent voters by requiring that all voters vote for candidates individually. Voting against this bill which recognizes that the days of rhetoric, straight ticket voting at the state's polling places are over, and it is like scorning apple pie, motherhood, and the Salvation Army." The Concord Monitor, "Eliminating the straight ticket circle wouldn't, wouldn't add much time to the process, and would force voters to make informed choices." And for those of you who think that this is a partisan bill, let me read one more quote for you from the Foster's Daily Democrat. "The two great political parties are as fractious as many families are quarrelsome. Who in their right mind is going to suggest that State Senator Susan McLane from Concord and Senator George Lovejoy of Rochester are in sync with one another in terms of where New Hampshire is going and where it should go? It is hard to imagine Senators Jeanne Shaheen from Madbury on the same planet as Democratic State Chairman, Chris Spiro."

SENATOR SHAHEEN: I won't say a word.

SENATOR BOURQUE: I should also note that Chuck Douglas, as well as Republican Congressman Jim Cleveland, has testified in the past in support of this legislation. Let's face it, political parties aren't what they used to be. It is time that the voters who have to take the time to register to vote, and have to take the time to check in with the supervisor of the check list

when they vote, be required to take an extra three or four seconds and look at each candidate that they are now voting for. I urge for your support of the motion of ought to pass. Thank you.

SENATOR BARNES: Senator Bourque, would you believe, that I was very happy to hear you mention those three great newspapers in the state? Would you believe, that in a year and a half of my coming up here, that I have heard that a lot of my colleagues have naughty things to say about one of those newspapers based in Manchester? Now those of you who want an opportunity to get even with that newspaper, have an opportunity, seeing that they have taken another stand. I urge you to vote against the Union Leader's stand on this and vote with us.

SENATOR PODLES: Senator Bourque, would you believe that a lot of the elderly people in Manchester would prefer, and they do vote on the straight ticket, because of the complicated machines that we have in Manchester?

SENATOR BOURQUE: I would believe, but would you believe, that a lot of the elderly in Manchester have an opportunity also to vote through absentee ballots, and they are helped by many people? And they are also helped with the selectmen there at the Ward to understand better what the machines are doing?

SENATOR PODLES: Senator Bourque, would you believe, that elderly people cannot vote by absentee ballot unless they are going to be away on the day?

SENATOR BOURQUE: That is not true.

SENATOR J. KING: My colleague Senator Barnes, was talking about 1897, that that is when this came into effect. If he remembers correctly, even up in the 1940's they were using outhouses, but you don't see too many of them around here today because some changes were made. There are some changes here that should be made. There are many reasons why the elimination of straight ticket balloting would be beneficial to New Hampshire. Thirty one of the fifty states do not have straight ticket voting, only nineteen allow it. This change would simplify the ballot instructions, and reduce the confusion for the voter. In answer to Senator Podles' question, for Senator Bourque, it would simplify it. To go right down the ballot and put the x's. They are right in order or even back and forth. It just simplifies it, and then they know what they are doing. It would be easier to explain the process of voting, and as a result, the voter would be able to choose those individuals as they so desire. This is a much, much, more intelligent way of voting. When someone bets on a horse in a race, you can be sure that he reviews the lineup to select the best choice. If the person already knows which horse that he or she wants, then he or she goes down the list until he or she finds the horse to play, and then they use that number to place their bet. They don't just guess at it. If the voter knows who the candidates are, eliminating straight ticket voting would allow the voter to go down the ballot until he or she comes across to their choice. Voting only at the top of the ballot, straight ticket voting, hurts good candidates on both sides of the ticket. Those good candidates who are elected are harmed because they now have to work with many who are ineffective because they're not that interested in their jobs. Straight ticket voting also eliminates some good candidates on both sides of the ticket. This bill would also help to simplify recount. There is a difficulty with recount when more than one person is running for the same office, such as state Representatives, where you can be from one ward or 12 or 15 from the same town. Like any good recipe for a cake or any other delicious food, like Burger King or one of the others.

One would know how to fix the right ingredients, and this is the same for good government. You must try harder to obtain the best ingredients; and when you do that, you are going to have the best government. We work hard to get people out to vote. This bill may make voting take a few seconds longer, but at least we can be assured that the voter has reviewed the candidates running and has chosen those that he or she wants. That is the least the public can do for those who decide to run. At least acknowledge that you are looking at the list to see if you are electing the candidate that you want. Many people state that they don't care of or about or for, candidates in the lower offices. And, that is true. They will vote on the top and forget about what is on the bottom, not knowing who they are voting for. If you will notice in the vote tally, there is always more for the top of the ticket. When you get down to the representative or even lower down, the number of people that voted for that is sort of phased out. Believe it or not, you can still vote for all of the candidates of one party, and this just does not stop you from voting for every candidate on the Republican side or the Democrat side or the Libertarian side. This bill does not prevent that. We owe it to all of the candidates who put their names on the ballot, that we at least look at every name on that ballot even if the voter is only interested in one party, he or she must be aware of who is on this piece of paper. Let's make sure that when a person votes for a candidate, that it counts. That is as simple as putting the x in the block next to the candidate that you want for a specific office. And that is as simple as eliminating straight ticket voting. The only state in New England other than New Hampshire that uses straight ticket balloting, is Rhode Island. Everyone has been talking about news comments. We have one here from Foster's Daily Democrat. By the way, I do appreciate . . . and when the Union Leader does something good and right, we want to make sure that they are acknowledged, because where justice is due, we'll give it. "Straight ticket voting might not rank up there with campaign financing, or a voter registration, but it is part of what political reform is all about. And clearly, the people of this country or this state, do not believe that steps have to be taken to reinforce what is basically a sound and political structure." That was Foster's Daily Democrat. What would SB 799 do? It is a step in the right direction for the election process reform; and everyone is trying to reform. This is probably the third bill that has been initiated. But none of them seems to get through. Everyone talks about it, but nobody wants to do anything about it. It simplifies the voting procedure, and it makes sure that you vote for the candidate that you want, and it ensures that you have. It simplifies recounts. And most of all, it encourages voters to go to the ballot and look at all of the candidates; and, hopefully, at some of the referendum things.

SENATOR BARNES: Senator King, I have a real quick question. Could you please tell this committee why the state of Rhode Island still has straight ticket voting?

SENATOR J. KING: They told me that as soon as New Hampshire changes, they're going to join right with us. That was my latest conversation with them.

SENATOR BARNES: Would you like to hear my answer to that question?

SENATOR J. KING: No, not really.

Question is on the split report of ought to pass.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: Lamirande, W. King, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 12 - Nays: 10

Adopted.

Ordered to third reading.

SENATOR DISNARD (Rule #44): All that I want to say, Mr. President, is that I was looking forward for tomorrow morning's issue of the Manchester paper to see who voted right.

SB 639, an act relative to medical records and the fee for retrieving medical record copies. Public Institutions, Health and Human Services Committee. Inexpedient to legislate. Senator McLane for the committee.

SENATOR MCLANE: This bill may have some basis in fact, but it isn't ready to be passed at this moment, and the reasons are, (1) that it does not define the word 'reasonable'. (2) There are some differences in what various hospitals do about medical records. It is obvious that this was a lawyers' bill. It was put in so that trial lawyers, particularly, could get hold of various medical records and not pay a lot for that price of retrieving. There were several thoughts in the testimony that impressed me. One is that some hospitals like the Franklin Hospital that don't charge anything to retrieve medical records. And you would be then forcing them to charge you a \$1 a page. I don't think that it is ever a good idea to put a dollar amount in a bill. Look at what happened to us when they put \$100 into the constitution. I think that to put into a piece of legislation exactly how much every page copied is going to cost, it's just not good, smart legislation. The testimony that impressed me more than any was a woman named Carolyn Brennan who was opposed to the bill. She is in charge of the medical records at the Elliot Hospital. She made it very clear that the law says that you only can keep these records, you have to keep these records for seven years. She said as a matter of research and a matter of history, that the Elliot Hospital kept these far longer. If this bill was passed, they would be forced to shred those records after seven years just not to get into the hassle. This bill needs work, it is not ready to be passed. I don't think by writing in \$1 per page, including research fees, retrieval fees, and handling charges, is always accurate or fair. I think that there was no evidence presented that the situation is unfair at the present time.

SENATOR WHEELER: Senator McLane, earlier, I believe that you characterized this bill as an attorney's bill, saying that they had to pay for these medical research fees. My question is, when the attorneys turn around, they charge their clients for these fees when they get records for their clients, and not for themselves. So wouldn't you really say that this is a consumer bill, and that this bill is going to help consumers, legal services, and not the lawyers themselves?

SENATOR MCLANE: I think that that is a question that I can't answer very well. It is pretty clear, but I can think of a lot of people, and a lot of things, that we think are overcharged. And I think to come into the legislature, in a free country, and then pass a bill about how much you have to charge for anything, is not fair, and not a good idea.

SENATOR ROBERGE: Senator McLane, are you aware that the amount of one dollar is in there saying that the cost cannot exceed a dollar per page?

It doesn't say that they have to pay one dollar per page. They could charge zero. They wouldn't have to charge anything. That is what the bill says.

SENATOR MCLANE: I guess that we would always hope in the perfect world that that would still happen, but I doubt it.

SUBSTITUTE MOTION

Senator Colantuono moved to **substitute ought to pass for inexpedient to legislate.**

SENATOR COLANTUONO: The genesis of this bill was twofold. First of all, the Department of Labor, Commissioner Flynn, was starting to notice that insurance companies involved, especially in Workers' Compensation cases, were paying enormous charges for getting copies of medical records from providers, doctors, hospitals, and so forth. He had a great concern about it and was about to start some rulemaking proceedings on it when I talked to him. I spoke to him because I had a similar case in my own practice where I wrote to a hospital to get an emergency room record, and a one page report came back with a \$20 bill from a company that does medical copying. That has happened several times to me. I started talking to other people and found out that the same thing was happening to them. Basically what is happening out there is, that our constituents, who are consumers of medical services, are entitled to these records. The current law right now says that the information in a medical record belongs to the patient. And the current laws says that upon request they can get them upon payment of a reasonable fee. The problem with the law now, is that it doesn't define a reasonable fee. This bill does. This bill defines the maximum that can be charged. That is why that it is in there. So this is if you notice, a request of the Department of Labor. I originally put in the bill to allow them to charge up to one dollar per page, figuring that you could go to a copy shop and get a copy for five cents, so that extra ninety five cents can go for all of the overhead that these hospitals or doctors would need. After the bill was put in, I recieved a letter from that company that I mentioned earlier that does medical records copying. And they sent me some copies of state laws from other states. They suggested that a better way to do it is to allow a retrieval fee. A search and retrievable fee of up to a certain amount, and then a per page amount. So I prepared a committee amendment and offered it to the committee, which they rejected. But the committee amendment is now a floor amendment. So I just want to make it clear that this is not something that is just being brought in here today. This has been out there for several weeks at least. The floor amendment that I intend to offer, if the ought to pass recommendation is adopted, is to allow the doctors, and the hospitals, and medical providers, to charge a retrieval fee of up to ten dollars. And a copy charge of up to fifty cents a page. So with the urging of Commissioner Flynn of the Department of Labor, I would request that you vote ought to pass on this bill. It would clear up a real problem out there where people are really getting gouged. Thank you.

Adopted.

Senator Colantuono offered a floor amendment.

5234B

Floor Amendment to SB 639

Amend the bill by replacing all after the enacting clause with the following:

1 Limitation on Costs of Retrieving Medical Records; Residential Care and Health Facilities. Amend RSA 151:21, X to read as follows:

X. The patient shall be ensured confidential treatment of all information contained in his personal and clinical record, including that stored in an automatic data bank, and his written consent shall be required for the release of information to anyone not otherwise authorized by law to receive it. Medical information contained in the medical records at any facility licensed under this chapter shall be deemed to be the property of the patient. The patient, *upon request*, shall be entitled to a copy of such records, for a reasonable cost, [upon his request] *not to exceed \$.50 per page and up to \$10 for search fees, retrieval fees, and handling charges.*

2 Limitation on Costs of Retrieving Medical Records; Medical Providers Under Title XXX. Amend RSA 332-I:1 to read as follows:

332-I:1 Medical Records. The medical information contained in the medical records in the possession of any medical provider licensed or registered under title XXX shall be deemed to be the property of the patient. The patient, *upon request*, shall be entitled to a copy of such records, for a reasonable cost, [upon his request] *not to exceed \$.50 per page and up to \$10 for search fees, retrieval fees, and handling charges.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that the copy costs shall not exceed \$.50 per page and \$10 for search and retrieval fees for patient medical records.

SENATOR COLANTUONO: Just to explain that this amendment does exactly what I just said. The reason that there are two sections to it is because one section deals with hospitals, and the other section deals with independent providers like doctors, chiropractors and so forth.

Floor amendment adopted.

Ordered to third reading.

SB 779-FN, an act revising the composition of the health services planning and review board and requiring the development of a state health plan. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator J. King for the committee.

5415B

Amendment to SB 779-FN

Amend the bill by replacing all after section 1 with the following:

2 Members Changed. RSA 151-C:3, I and II are repealed and reenacted to read as follows:

I.(a) There is hereby established a health services planning and review board composed of the following members:

(1) The director of the division of public health services, or designee.

(2) The remaining members, appointed by the governor and council:

(A) A representative of health care insurers.

(B) Three consumers, each from a different region of the state. For the purposes of this subparagraph "consumer" means an individual whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in their immediate family to anyone who is involved in the delivery of health care services or health insurance.

(C) Two providers whose occupation is in the delivery of health care services regulated by the board. One of these providers shall be nominated by the New Hampshire Hospital Association. The other provider shall be nominated by the New Hampshire Health Care Association.

(b) The director of the division of public health services or designee shall serve as the only permanent member of the board. All other members of the board shall serve only for one 3-year term, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years.

II. No consumer member shall be appointed to or shall serve on this board who also serves on any board of any health care facility or health care insurer licensed or regulated by this state.

3 New Paragraph; Agenda of Board. Amend RSA 151-C:3, by inserting after paragraph IV the following new paragraph:

IV-a. The director of the division of public health services shall set the agenda for the board.

4 Duty Added. Amend RSA 151-C:3, VII(a) to read as follows:

VII.(a) The director of the division of public health services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the director and the board. ***The staff director shall also testify at public hearings to defend staff analysis and recommendations.*** The director shall also provide space for the board and staff and other assistance and materials as necessary.

5 New Section; Standards; State Health Plan. Amend RSA 151-C by inserting after section 5 the following new section:

151-C:5-a Standards Developed In Accordance with State Health Plan. Notwithstanding any law or rule to the contrary, standards developed by the board under this chapter shall be in accordance with the state health plan developed under RSA 126-A:13-a.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill revises the membership of the health services planning and review board.

The bill also requires the commissioner of health and human services to develop a state health plan.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 789-FN-A-LOCAL, an act establishing a health care authority and making an appropriation therefor and imposing a surtax on health care insurers. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator Baldizar for the committee.

5416B

Amendment to SB 789-FN-A-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a health care authority.

Amend the bill by replacing all after the enacting clause with the following:

1 General Findings and Intent.

I. The legislature finds that New Hampshire's health care delivery system requires reform. The cost of health insurance and health care services is rising much faster than wages. A significant and growing percentage of the population of this state is without health insurance. For those

who do have insurance, growing numbers are underinsured, discovering that the insurance they have purchased is not enough when illness occurs. Many others in the state are at risk of losing the health coverage that they currently have. The cost of health care is an increasing burden on the state's businesses and on New Hampshire's economy. The ability of this state to attract new businesses is contingent on the ability to control the cost of health care.

II. The general welfare of this state requires that the legislature act to begin the process of bringing about a universal health care program that will control costs and ensure that all residents have access to quality health services. It is vital that New Hampshire act proactively to develop a state health plan that determines the appropriate mix of competition and regulation and the appropriate allocation of resources needed to achieve this goal. The federal government is likely to enact health care reform legislation that will require states to take action according to specific parameters to control health care costs and provide increased access to health services. States that are without a plan for health care reform will suffer diminished opportunities to creatively respond to and take advantage of opportunities and avoid potential pitfalls created by national health care reform.

III. The general court has already adopted in HCR 1, relative to a universal health care program in New Hampshire, on March 4, 1993 (HCR 1) which sets forth the following principles upon which a universal health care program in New Hampshire should be based:

(a) Universality: all individuals in the state have a right to high quality, comprehensive health care regardless of employment status, health status, gender, age, personal resources, or geographic location.

(b) Accessibility: everyone should have equal access to health care providers and to the information necessary to make informed choices.

(c) Comprehensiveness: all necessary health care is covered, with an emphasis on preventive care and the promotion of wellness.

(d) Affordability: health care must be affordable for all individuals in the state. Costs must be distributed equitably, based on ability to pay.

(e) Cost control: there must be cost control and capacity containment.

(f) Accountability: individually and collectively, directly and through elected representatives, all individuals must be empowered to influence and improve the health care system continually.

IV. To implement these principles, it is necessary to develop a health care system which is integrated and subject to the direction and oversight of a single state agency. That agency shall be responsible for overseeing the process of developing a comprehensive New Hampshire health plan which shall serve as a blueprint for structuring the market for health care to promote the implementation of the above principles.

2 New Chapter; New Hampshire Health Care Authority. Amend RSA by inserting after chapter 151-C the following new chapter:

CHAPTER 151-D

NEW HAMPSHIRE HEALTH CARE AUTHORITY

151-D:1 Definitions. In this chapter:

I. "Authority" means the New Hampshire health care authority established under RSA 151-D:2, I.

II. "Board" means the New Hampshire health care authority board established under RSA 151-D:2, II.

III. "Council" means the state health council established under RSA 151-D:7.

IV. "Division" means the division of public health services, department of health and human services.

V. "Health care consumer" means any person who is not a member of the following groups:

(a) Health care providers or their employees, owners of health insurance plans or health maintenance organizations or their employees, or other persons who derive substantial income from health insurance plans, health maintenance organizations or the provision of health care;

(b) Members of associations, law firms, or other institutions or organizations that represent the interests of health care providers, health plans or others involved in the health care field, or who practice as a professional in an area involving health care; or

(c) Owners, employees, board members, or individuals who derive substantial income from pharmaceutical companies and suppliers of medical equipment, devices, and services.

VI. "Health care facility" means all facilities and institutions, whether public or private, proprietary or nonprofit, which offer diagnosis, treatment, inpatient or ambulatory care to 2 or more unrelated persons and which are licensed under RSA 151. The term shall not apply to any facility operated by religious groups relying solely on spiritual means through prayer or healing.

VII. "Health care provider" means a person, partnership, corporation or health care facility, licensed or certified or authorized by law to provide professional health care service in this state to an individual during that individual's medical care, treatment, or confinement.

VIII. "Health care purchaser" means an employer in the state, other than a health care facility, health insurer, or health care provider, who provides health care coverage for its employees.

IX. "Health insurer" or "health insurance carrier" means any person who provides health insurance in this state. This includes a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, or any other person providing a plan of health insurance subject to state insurance regulation under title XXXVII.

X. "Health insurance plan" means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organization subscriber contract. Health insurance plan does not include accident-only, credit, dental or disability income insurance; coverage issued as a supplement to liability insurance; workers' compensation or similar insurance; or automobile medical-payment insurance.

XI. "New Hampshire health plan" or "state health plan" means the plan developed in accordance with RSA 151-D:6 which restructures the administration and delivery of health care resources and services in New Hampshire in a manner that controls costs, ensures access to quality services and which otherwise implements the principles set forth in HCR 1, relative to a universal health care program in New Hampshire, adopted by the general court on March 4, 1993 (HCR 1).

XII. "Office" means the office of health planning and development, established under RSA 126-A:58.

XIII. "Resident" means a person who is domiciled in New Hampshire as evidenced by an intent to maintain a principal dwelling place in New Hampshire indefinitely and to return to New Hampshire if temporarily absent, coupled with an act or acts consistent with that intent.

151-D:2 New Hampshire Health Care Authority; Board; Established.

I. There is hereby created a New Hampshire health care authority. The authority shall be supervised and directed by the New Hampshire health care authority board.

II. There is hereby established a New Hampshire health care authority board. The health care authority board shall be responsible for the execution of all powers and duties created in this chapter not otherwise delegated to other entities.

III. The health care authority board shall consist of 11 members. One member shall be the commissioner of health and human services, and one member shall be the insurance commissioner. One member shall be a representative, appointed by the speaker of the house and one member shall be a senator, appointed by the president of the senate. Two members shall be health care providers, including one person who is a licensed health care provider with professional experience in an ambulatory setting and graduate training and experience in health planning or public health policy, and one person with significant knowledge and experience in the area of health care administration, financing and cost containment. Two members shall be health care purchasers who are owners or chief executive officers of businesses in this state, including one person who heads a business with more than 250 employees working in the state and one person who heads a business in the state with fewer than 50 employees. Three members shall be health care consumers. At least one of the consumer members shall represent a major consumer organization and shall have significant knowledge of social service delivery systems and experience representing the interests of consumers, including the medically underserved. The consumer and business members shall be without any present or past professional affiliation with, financial interest in, or employment by any segment of the health care industry.

IV. The provider, purchaser and consumer members of the board shall be appointed by the governor and council. The appointments shall be made from nominations made by a search committee. The search committee shall consist of 5 members: the commissioner of health and human services or designee, the speaker of the house or designee, the minority leader of the house or designee, the president of the senate or designee, and the minority leader of the senate or designee. Initial nominations for the board shall be made by August 1, 1994. The governor's initial appointments shall be made by September 15, 1994.

V. The members appointed by the governor shall be appointed for terms of 4 years, except that, of the initial members, 2 members shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and 3 shall be appointed for a term of 4 years. Board members who are members of the general court shall serve for a 2-year term or until their successors are appointed. The commissioners shall serve coterminous with their term in office. The terms of initial members shall include an additional period of time between appointment and September 15, 1994. The members may be reappointed for one additional term. The chair and vice-chair shall be elected by the board members at the first meeting. Members shall not serve as chair or vice chair for more than 2 consecutive 2-year terms.

VI. A member of the board may resign upon written notice to the governor. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term of the original appointee. A member of the board may be discharged pursuant to RSA 4:1.

VII. The members of the board appointed by the governor shall not receive a salary but shall receive mileage at the state employee rate and shall be reimbursed for reasonable expenses incurred in carrying out their duties under this chapter. Legislative members shall receive legislative mileage when attending to their duties on the board.

151-D:3 Administration of the Authority; Rulemaking.

I. The board shall supervise and direct the execution of all laws vested in the authority by virtue of this chapter, and shall formulate and carry out all policies relating to this chapter.

II. The board shall employ an executive director, who shall serve at the pleasure of the board. The executive director shall be the chief administrative officer of the authority and shall direct and supervise the administrative affairs and technical activities of the authority in accordance with policies and procedures established by the board. The board may delegate the powers and assign the duties of the authority to the executive director as it may deem appropriate and necessary for the proper execution of the provisions of this chapter; however, the board shall not delegate its rulemaking powers, its authority to adopt the New Hampshire health plan, or any other powers or duties specifically granted or assigned to the board by statute.

III. The board shall employ professional and support staff and may also employ consultants and contract with individuals and entities for the provision of services.

IV. The board may:

(a) Apply for and accept gifts, grants, or contributions from any person for purposes consistent with this chapter.

(b) Enter into contracts and perform such acts as are necessary to accomplish the purposes of this chapter.

V. The board shall adopt rules, under RSA 541-A, necessary to implement the provisions of this chapter.

151-D:4 Health Care Data Base.

I. The legislature finds that it is difficult to evaluate the effectiveness of access, cost containment, regulation and other reform strategies without additional, New Hampshire specific empirical data. The improved collection and analysis of data enhances the state's ability to identify major health care issues and to develop a comprehensive health policy for the state.

II. The office and the division shall by July 1, 1995, build on the current health care data base in order to establish and maintain a comprehensive, unified, and integrated health care data collection and analysis system that includes data from all health care providers, facilities, and insurers that will enable the office and the board to:

(a) Determine the capacity and distribution of existing resources.

(b) Identify health care needs and direct health care policy.

(c) Evaluate effectiveness of intervention programs on improving patient outcomes.

(d) Compare costs and outcomes between various treatment settings and approaches.

(e) Evaluate quality of care.

(f) Identify variations in practice parameters.

(g) Provide information to consumers and purchasers of health care.

(h) Publish an annual state health expenditure report to the legislature.

III. The data base shall contain unique patient and provider identifiers and a uniform coding system, and may reflect all health care utilization, costs and resources in this state, and health care utilization and costs for services provided to New Hampshire residents in another state.

IV. Health insurers, health care providers, health care facilities, and governmental agencies shall file, through a uniform reporting system, reports, data, schedules, statistics, or other information determined by the office or the board to be necessary to carry out the purposes of this section. Such information may include:

(a) Health insurance claims and enrollment information used by health insurers.

(b) Information relating to nursing homes, acute care hospitals, and specialty hospitals filed pursuant to RSA 126:25.

(c) Any other information relating to health care costs, utilization or resources required to be filed by the board.

V. The board shall by rule establish the types of information to be filed under this section, and the time and place and the manner in which such information shall be filed.

VI. Records or information protected by the provisions of the physician-patient privilege, or otherwise required by law to be held confidential, shall be filed in a manner that does not disclose the identity of the protected person. Patient identifying information shall be encrypted, and the original identifying information shall be destroyed.

VII. The board shall adopt by rule a confidentiality code to ensure that information obtained under this section is handled in an ethical manner.

VIII. Any person who knowingly fails to comply with the filing requirements of this section or rules adopted pursuant to this section shall be fined in an amount to be determined by the board through rulemaking.

151-D:5 Enforcement.

I. In order to carry out its duties under this chapter, the board may examine the books, accounts and papers of health insurers, health care providers, and health care facilities. The board may administer oaths and may issue subpoenas to a person to appear and testify or to produce documents or things. A subpoena issued by the board shall be subject to the provisions of RSA 516.

II. In addition to any other power or duty authorized by law, the commissioner of insurance shall, in the case of health insurers, enforce a violation of a provision of this chapter or a rule adopted pursuant to a provision of this chapter, as a violation of the relevant provisions of title XXXVII relating to health insurers.

151-D:6 New Hampshire Health Plan.

I. It is the intent of the legislature to create the New Hampshire health plan in order to provide a vehicle for health reform. The New Hampshire health plan shall be developed by the office and the board with public input and with the advice of the council. It shall represent a comprehensive, coordinated approach to health care reform and shall be composed of multiple goals and strategies. The legislature intends that the plan address specific goals and strategies related to access to health services, cost containment, quality of care, insurance reforms, data collection and analysis, information availability, financing, and reforms in regulatory programs. The plan shall specify subgoals, quantifiable objectives, strategies, and resource requirements necessary to implement the principles for reform stated in HCR 1. The legislature hereby establishes the following primary goals and strategies to guide the board in developing the New Hampshire health plan:

(a) Access to health care services.

(1) Those New Hampshire residents who are uninsured, underinsured, or otherwise without financial resources to cover costs of necessary health care receive inadequate access to health care. Access to health care is a particular problem in New Hampshire for women, children, part-time employees, employees of small businesses or service sector businesses, the poor, and the unemployed. The inaccessibility of the state's health care system to a portion of the state's residents causes poor health outcomes, inappropriate and far more costly use of health resources, a less productive work force, and a less effective educational system. Therefore, the legislature establishes the following health access goal for the New Hampshire health plan: All New Hampshire residents shall be ensured health care coverage through a uniform, comprehensive benefits package by January 1, 2000.

(2) As an initial step toward achievement of this goal, the commissioner of the department of health and human services shall implement the following reform measures:

(A) Medicaid coverage shall be made available, by September 1, 1994, to all pregnant women and children whose household income is at or below 185 percent of the federal poverty level.

(B) A federal waiver shall be requested, and, if such waiver is granted, procedures shall be developed to make medicaid coverage available by July 1, 1995, to all parents and single adults whose household income is at or below that AFDC standard of payment.

(C) A federal waiver shall be requested, and, if such waiver is granted, procedures shall be developed to make medicaid coverage available by July 1, 1995, on a buy-in basis to low-income employees of small businesses with the premium cost to be shared by the federal government, the state, the employer, and the employee.

(D) Existing proposals which provide for improved preventive and primary care and community-based and residential services through the medicaid, public health, and community mental health programs shall be refined and implemented by September 1, 1994. This shall include proposals to increase the availability of home and community-based long-term care services to support independent living arrangements and to prevent premature institutional placements, to provide improved community-based mental health and substance abuse services to children and others at risk of institutionalization, and to improve and better coordinate community-based public health clinic services.

(E) A mechanism shall be developed for financing the health care access and planning initiative required by this chapter through the development of a trust fund to be capitalized with excess, unbudgeted Medicaid enhancement funds.

(3) To ensure achievement of the New Hampshire health plan's health access goal by January 1, 2000, the board shall submit to the legislature interim recommendations for implementation of the health access goal on or before November 1, 1995, and final recommendations to be included in the state health plan on or before November 1, 1996. At a minimum, recommendations shall include proposals for:

(A) Improving the operation of the demonstration health care purchasing alliance required under RSA 151-D:9. In addition, when experience with the demonstration alliance allows, recommendations shall be made as to the advisability of establishing a permanent purchasing alliance and as to the structure and operation of such alliance.

(B) Increasing health care coverage through the development of a uniform, comprehensive benefits package that would provide comprehensive health services to all residents of the state, regardless of health conditions, age, sex, race, geographic location, employment, or economic status.

(C) Financing mechanisms for ensuring universal coverage through a uniform, comprehensive benefits package.

(D) Providing fair reimbursement to health care providers in a timely and uncomplicated manner.

(E) Ensuring that an appropriate number and distribution of health care facilities and health care providers and services are available throughout the state by January 1, 2000. This shall include a proposal for ensuring the availability of community primary and preventive services by ensuring an adequate supply of primary care providers statewide.

(4) In developing its recommendations, the board shall consider the following:

(A) The role state and local government should assume in the provision of health services, including level of service, sources of funding, and delivery system models.

(B) The role employers should assume.

(C) The role and responsibilities which each individual should assume in obtaining access to health care.

(D) Maximizing federal funding of publicly funded or subsidized health insurance coverage.

(5) At the time the recommendations are submitted to the legislature, the board shall provide the legislature with a specific proposal to improve access to health care that should be implemented in the event that full access to uniform, comprehensive benefits has not been obtained for all residents of the state by January 1, 2000.

(b) Cost containment.

(1) Precipitously increasing health care costs in the state are of concern to the legislature, not only because increasing costs threaten the ability of individuals and state and local governments to pay for health care; but also because rapid cost escalations threaten the ability of New Hampshire businesses to compete in national and international markets. Therefore, the legislature establishes the following cost containment goal for the New Hampshire health plan. Beginning on January 1, 1998, annual increases in premiums for health coverage shall be limited to the amount of the prior year's increase in the non-medical components of the consumer price index.

(2) To reach the New Hampshire health plan's cost containment goal, the board shall submit to the legislature interim recommendations for the cost containment goal on or before November 1, 1995, and final recommendations to be included in the state health plan on or before November 1, 1996. At a minimum, recommendations shall include the following elements and strategies:

(A) The board shall adopt a health care expenditure target for state fiscal year 1996 and subsequent years consisting of the total amount of money to be spent in the year for all services provided by health care facilities and providers in the state, and for all health care services provided to residents of this state. The expenditure target shall include expenditure or cost ceilings for various sectors and subsectors of the health care delivery system, including health care facilities, health care providers, and types of services or encounters. The board shall adopt processes and criteria for responding to exceptional and unforeseen circumstances which affect the appropriateness of the target. The expenditure target shall be consistent with the goals and methods contained in the health resource allocation plan required under subparagraph (b)(2)(B) of this section. The targets shall be voluntary and designed to encourage providers, insurers, employers, and consumers to substantially reduce the rate of health care cost inflation. The annual cost containment targets established by the board shall provide a benchmark against which participants in the voluntary plan can measure the effectiveness of their specific efforts. The program is intended to produce voluntary reductions in prices and administrative overhead, increases in volume discounting, and other measures to reduce the cost of health care. If voluntary targets are not met, the board shall develop recommendations to be submitted in its annual report to the legislature which shall specify the additional measures that, in the opinion of the board, are necessary to meet cost containment goals.

(B) By November 1, 1995, the board shall adopt a health resource allocation plan as a component of the state health plan. The resource allocation plan shall be developed by the office and the division of public health services, with the advice of the council and the review and final

approval of the board. The plan shall utilize existing data to assess the health status of residents of this state, evaluate the adequacy, accessibility, and affordability of health services and facilities, assess government-financed programs that provide health insurance coverage, and address other local and state health care issues. The plan shall promote accessibility of primary and preventive care and control proliferation of tertiary care. The plan shall identify the health care, facility and human resource needs in New Hampshire, the resources available to meet those needs, and priorities for addressing those needs on a statewide basis. With respect to the analysis of need, the plan shall include:

(i) Identification of the current supply and distribution of hospital, nursing home and other inpatient services; home health and mental health services; treatment services for alcohol and drug abuse; emergency care; ambulatory care services, including primary care resources; human resources; major medical equipment; and health screening and early intervention services.

(ii) A determination of the appropriate supply and distribution of the resources and services identified in subparagraph (b)(2)(B)(i) of this section, and mechanisms which will encourage the appropriate integration of these services on a local or regional basis. To arrive at such determination the board shall consider the following factors: the needs of the population on a statewide basis; the needs of particular geographic areas of the state; the use of New Hampshire facilities by out-of-state residents; the use of out-of-state facilities by New Hampshire residents; the needs of populations with special health care needs; the desirability of providing high quality services in an economical and efficient manner, including the appropriate use of mid-level practitioners; and the cost impact of these resource requirements on health care expenditures.

(iii) A component which addresses health promotion and disease prevention prepared by the division in a format established by the board.

(C) Practice parameters which are scientifically sound shall be developed in consultation with the medical and academic community to ensure the appropriate utilization of services.

(D) Analytical techniques developed by the medical and academic community which address variations in health care delivery among providers and from region to region shall be used, which may include small area analysis and practice parameters.

(E) The board shall develop proposals for public and private health insurance payer mechanisms designed to simplify provider billing, reduce administrative overhead cost, and maximize government and third-party purchasing power.

(F) The board shall recommend changes in the system for handling medical negligence disputes that will ensure a more efficient and equitable method for determining damages and compensating injured parties.

(c) Insurance reforms.

(1) The legislature finds that approximately half of the over 100,000 residents of this state who are uninsured are at or near poverty, requiring insurance reforms that significantly lower premiums and out-of-pocket costs. Almost 3/4 of the uninsured are employed or are dependents of employees, and a large percentage of these uninsured workers are employed by small businesses. These findings make improvement of private health insurance affordability and availability, including improved employee-based health care coverage options, a priority. Therefore, the legislature establishes the following insurance reform goal for the New Hampshire health plan. On or before July 1, 1996, the state shall institute reforms in the private health insurance market that shall ensure that all persons have

equal access to affordable, uniform, comprehensive private health insurance coverage, regardless of group size or membership, utilization experience, health status, or demographic characteristics.

(2) To ensure the achievement of the New Hampshire health plan's insurance reform goal, the board shall submit to the legislature interim recommendation for achieving the insurance reform goal on or before November 1, 1994, and final recommendations to be included in the state health plan on or before November 1, 1995. It is imperative that private health insurance practices be reformed at the earliest practicable date to ensure coverage for employees and their dependents regardless of their health status, utilization experience and employer size, including requiring community rating, prohibiting the exclusion from coverage of preexisting conditions, guaranteeing acceptance and continuation of coverage at renewal time for employee groups, and ensuring that health insurance coverage continues regardless of changes in employers. Therefore, if the legislature does not accomplish these reforms in the 1994 session, the board shall include recommendations for achieving these reforms in its November 1, 1994, interim recommendations. In addition, the final recommendations shall include elements and strategies that:

(A) Maximize the number of employed persons and their dependents who are enrolled in employer-sponsored health insurance plans.

(B) Ensure that all residents participate in a public or private health insurance plan.

(C) Provide for uniform billing, payment, and service documentation requirements.

(D) Require uniform, comprehensive health insurance benefits that promote healthier life styles, help persons to assume greater responsibility for their health, and provide early diagnosis and treatment to avoid later and more costly medical interventions.

(E) Ensure that all residents contribute, based on their ability to pay, to the financing of their health insurance coverage and that deductibles, copayments and premium levels never become a financial barrier to receiving care.

(F) Require insurers to accept all health risks with appropriate protection for extraordinary risks.

(G) Ensure that managed care plans provide quality health care to enrollees.

(d) Coordination of state agencies and health regulation.

(1) The legislature finds that it is essential to carrying out an effective health care reform plan that existing health regulatory programs be redesigned where appropriate and coordinated to better address the needs of a rapidly evolving health care system. Further, the legislature finds that a competitive market place is lacking in some areas of health care, and, therefore, an appropriate level of regulation is necessary in order to ensure the quality, affordability, and availability of health care services. By requiring the board and all health regulatory agencies to review all health regulatory programs for conformity with the state health plan, the legislature intends to begin the process of coordinating, streamlining and making more cost effective the regulatory process. In order to complete the task, the legislature establishes the following health regulation goal. By January 1, 1998, health regulatory programs shall be redesigned and modernized, with an emphasis on coordination, efficiency, administrative simplicity, conformity with the state health plan, and protection of the public.

(2) To ensure the achievement of the New Hampshire health plan's regulatory goal, the board shall examine the operation of all health regulatory programs and health-related state agencies for the purpose of ensur-

ing that such programs and agencies operate in a coordinated manner that conforms with the goals and methods of the state health plan. Beginning with the development of the New Hampshire health plan by November 1, 1995, the board and all health regulatory agencies shall undergo a process whereby health regulatory programs are redesigned and modernized, where appropriate, to meet the regulatory goal. The board shall submit to the legislature interim recommendations for achieving the regulatory goal on or before November 1, 1995, and final recommendations to be included in the state health plan on or before November 1, 1996. Included in the recommendations shall be proposals to:

(A) Ensure that all health regulation conforms with and promotes the objectives and methods contained in the New Hampshire state health plan.

(B) Create a consistent theme for all regulatory programs based on the state health plan, including the establishment of clear goals and objectives for each regulatory program.

(C) Review all existing rules for the purpose of eliminating or amending archaic or unnecessarily costly rules.

(D) Simplify regulatory programs to ensure that administrative complexity is the minimum necessary while ensuring that due process protections are preserved and, where appropriate, improved.

(E) Eliminate laws and rules which serve to protect economic interests of health professionals or health providers, at the expense of the public.

(F) Provide for a uniform health regulatory program through the elimination of loopholes and exemptions created for special interest groups.

(G) Redesign market entry controls to provide for uniformity across all health care providers and to create incentives for high quality providers to offer services in ways which meet community needs while discouraging inappropriate utilization and development.

(H) Provide an appropriate level of regulation in areas where lightly regulated market forces have been unsuccessful in constraining rapidly escalating costs.

II. The board and the office shall develop, with the advice of the council, the New Hampshire health plan on or before November 1, 1995. The plan shall be revised as necessary and not less often than every 3 years. The office, with the advice of the council, shall develop an initial draft plan. The board shall then conduct a public hearing on the draft plan in each county in the state, and shall give interested persons an opportunity to submit their views orally and in writing. Not less than 30 days prior to any such hearing, the board shall publish, in a manner designed to reach all interested persons, the time and place of the hearing, the place at which interested persons may review the proposed plan in advance of the hearing and the place and period during which to direct written comment to the board. After completion of the public hearings and with the further advice of the council, the board shall make such changes to the draft plan as necessary and appropriate to implement the purposes of this chapter and shall approve a final plan. The board shall produce and include in a preamble to the state health plan a written summary of and response to the views expressed at the public hearings.

151-D:7 State Health Council Established; Membership; Operation.

I. There is hereby established the state health council. The council shall serve in an advisory capacity to the board and to the office. The council shall consist of 24 members who shall be residents of the state of New Hampshire. Initial appointments to the council shall be completed by October 1, 1994. Twenty-two members shall be appointed by the governor. Members appointed by the governor shall be appointed from a list of 2 nominees for

each membership category, submitted in accordance with the provisions of paragraph V of this section. Nominations for the council and appointments by the governor shall be made in a manner designed to ensure representation from all geographic areas of the state.

II. The governor shall appoint one provider representative from each of the following categories: physician specialists, primary care physicians, hospitals, nurses, the allied health professions, third party payers, nursing homes, providers of mental health services, home health care providers, doctors of naturopathic medicine, dentists, chiropractors, physical therapists, and local community health centers providing health care to low-income persons.

III. The governor shall appoint one public representative for each of the following categories who will represent the interests of that category: low-income persons, the elderly, the disabled, minorities, children, labor, businesses with more than 250 employees in this state, and businesses with fewer than 50 employees in this state.

IV. Of the remaining members, one shall be the director of public health services or designee, and one shall be the director of the office of medical services, department of health and human services.

V. The board shall have the responsibility to oversee the establishment and administration of the state health council. By December 1, 1994, the board shall convene an initial nominating meeting for the purpose of selecting nominees for representatives from the categories enumerated in paragraphs II and III of this section. Prior to convening the initial nomination meeting, the board shall notify organizations of which it is aware that represent the interest of each category and shall invite additional organizations to participate through notices published in a manner designed to reach all potentially interested parties. The board shall decline to accept proposed nominations from organizations whose stated purposes do not coincide with the interests of the designated constituency, but no organization shall be refused the opportunity to present proposed nominations and supporting information for any other reason. The board shall make 2 nominations for each category from those proposed.

VI. Council members shall be appointed for a term of 3 years or until their successors are appointed, beginning February 15 in the year in which the appointments are made. Members may be reappointed but may not serve more than 6 consecutive years.

VII. In the event of a vacancy occurring in the membership of the council, the vacancy shall be filled for the unexpired term in the same manner as the original appointment.

VIII. The council shall elect a chair and vice-chair from among the members who are not state employees. The chair and vice-chair shall serve for 2 years or until their successors are elected.

IX. A majority of the members of the council shall constitute a quorum, provided that 6 of the members present are public members. The council shall act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all its members and at which a quorum is in attendance.

X. Members of the council appointed under paragraphs II and III shall be entitled to their necessary and actual expenses.

XI. A member of the council may resign upon written notice to the governor. A member of the council may be discharged pursuant to RSA 4:1.

XII. The board shall provide the council with the staffing necessary for the council to perform its duties under this chapter.

151-D:8 Duties of Council. The state health council shall:

I. Advise the board on matters relating to the board's responsibilities.
II. Advise the office on matters relating to that office's responsibilities.
III. Carry out special studies or projects related to health care or the duties of the board as requested by the board.

IV. Provide a forum for regional and local participation in decision-making about health care delivery, financing, and provider supply.

V. Advise the board and the office on state and local health policy issues, state and local health planning activities, and state and local health regulation programs.

VI. Provide assistance to the division and local communities, institutions, and provider groups in the development of organized primary health care systems throughout the state.

VII. Promote public awareness of state health care issues and conduct public forums throughout the state and use other means to solicit the comments and advice of the public, including health care consumers, providers, payers, and insurers on the adequacy, accessibility, and affordability of health care services in this state, the New Hampshire health plan, and other health care issues.

VIII. Conduct any other functions or studies and analyses falling under the duties listed above.

151-D:9 New Hampshire Health Care Purchasing Alliance.

I. The board shall establish a voluntary statewide demonstration New Hampshire health care purchasing alliance for the purpose of containing or reducing health care costs and increasing access to comprehensive coverage and quality services by coordinating and enhancing the purchasing power of purchasers of health care benefit plans for the groups identified in paragraph II of this section. In offering and administering the purchasing alliance, the board shall not discriminate against individuals or groups based on age, gender, geographic area, industry, or medical history. The provisions of this section shall not affect the rights of any party to a collective bargaining agreement. The provisions of this section shall not require any person or group to participate in the alliance. The alliance shall be coordinated with insurance reforms and structured in such a way as to avoid exacerbating cost shifting and adverse selection in the New Hampshire health care system.

II. In establishing the alliance, the board may appoint a separate governing board for the alliance. If a separate governing board is established, all of its members shall meet the definition of health care consumer in RSA 151-D:1, V. The board may include in the purchasing pool, on a voluntary basis, all employees, retirees, and dependents covered by the group health insurance plans of the following entities:

(a) The state of New Hampshire.

(b) The university system of New Hampshire.

(c) Any county or municipality, including any school district.

(d) Any medicaid recipient, or if the commissioner of the department of health and human services deems proper, any medicaid recipient falling within a particular category of eligibility.

(e) Any employer, employer group, association or trust, including the self-employed.

III. In administering the alliance, the board may:

(a) Contract on behalf of participants in the pool with health care providers, health care facilities, and health insurers for the delivery of health care services, including agreements securing discounts for regular, bulk payment to providers, and agreements establishing uniform provider reimbursement.

(b) Create oversight mechanisms and organizational support structures and consolidate administrative functions on behalf of participants in the pool, including claims processing, utilization review, management reporting, benefit management, and bulk purchasing.

(c) Create a system for gathering health care cost and utilization data for participants in the pool that is compatible with the statewide, comprehensive health care data base, and evaluate potential cost savings.

(d) Establish incentive programs to encourage pool participants to use health care services judiciously and to improve their health status.

IV. Included in the board's November 1 report to the governor and legislature required under RSA 151-D:11 shall be a report on the operation of the purchasing alliance, including the number and types of groups and group members participating in the alliance, the costs of administering the alliance, and the savings attributable to participating groups from the operation of the alliance.

151-D:10 Board; Other Powers and Duties.

I. The board shall serve as the primary state agency responsible for overseeing the implementation of any future federal health care reform initiatives required by the federal government.

II. The board shall, in cooperation with the council, encourage regional and local participation in decision-making about health care delivery, financing and provider supply.

III. In addition to any other power or duty authorized by law, the board may:

(a) In conjunction with the department of health and human services, the division of public health services and other entities, provide assistance to local communities, institutions, and provider groups in the development of organized primary health care systems throughout the state.

(b) Provide technical assistance or make grants to individuals and public and nonprofit private entities, consistent with state and federal law, for the development of projects and programs which the board determines are necessary to achieve its objectives.

(c) Apply for waivers authorized by federal law or regulations as necessary to accomplish the purposes of this chapter.

(d) Establish additional advisory groups, employ consultants and contract with individuals and entities as necessary to assist the authority in carrying out its duties. The board may make authority staff and data available to such groups, individuals or entities for the purpose of assisting the authority in carrying out its duties, including analyzing health care utilization in New Hampshire and developing uniform utilization review procedures, carrying out outcome studies and studies concerning the use of health care services, and making recommendations for the development of standards of care and practice guidelines. Any uniform utilization review procedures shall be adopted by the board by rule prior to implementation and enforcement.

(e) Investigate the possibility of establishing a program for reducing the cost of prescription drugs in this state, for distribution by pharmacists in the state.

151-D:11 Annual Report.

I. On or before November 1, 1994, and on or before November 1 each year thereafter, the board shall submit a report to the governor, the president of the senate, and the speaker of the house detailing the authority's progress in carrying out the various requirements of this chapter and including recommendations for legislation for the coming legislative session which, in the opinion of the board, is necessary to carry out its mandate under any part of this chapter or to achieve the goals of the New Hamp-

shire health plan or, more generally, to implement the principles for health care reform adopted in 1993. A copy of this report shall be made available to members of the public upon request.

II. In developing the report, the authority shall examine the effect of government regulation and economic incentives on the overall operation of the health care system and, specifically, how each may most appropriately be used in furthering the policies and goals of this chapter.

III. Prior to submitting its report and recommendations to the legislature, the board shall seek public comment on its contents. In seeking public comment on the development of the board's report and recommendations, the board shall provide extensive, multi-media notice to the public and hold as least one public hearing.

3 Reference Changes. Amend RSA 126:25, II to read as follows:

II. In addition to the data listed in paragraph I, the commissioner of health and human services shall require all providers, including ambulatory care facilities, licensed or certified to practice in the state of New Hampshire to submit ambulatory health care data pursuant to a plan to collect such data developed by the [health services planning and review board established by RSA 151-C:3] ***office of health planning and development, established in RSA 126-A:58.*** [This plan shall be submitted to the commissioner of health and human services by December 1, 1990.]

4 Reference Changes. Amend RSA 126:25, III(d)(1)-(3) to read as follows:

(1) Framing health care questions and issues ***required to implement the state health plan.***

(2) Analyzing identified issues and ensuring fair treatment.

(3) Determining the state's health data services network's priorities in terms of areas of focus ***in order to most efficiently and effectively implement the state health plan.***

5 Data Review. RSA 126:26 is repealed and reenacted to read as follows:

126:26 Data Review. The office of health planning shall review the data collected under RSA 126:25 and RSA 151-D:4 and make an annual report on or before October 1, beginning in 1994, to the health care authority board, the state health council, and the certificate of need review board. The report shall contain, but not be limited to, an analysis and evaluation of the data collected and recommendations for implementing the state health plan in light of the data. The health services planning and review board shall also have access to such data for the purpose of preparing periodic reports on price and utilization of health services for the purpose of encouraging competition based on price and quality.

6 State Health Plan. Amend RSA 151-C:1, II and III to read as follows:

II. The state has a compelling interest in working with the health care delivery system to set standards relative to the size, type, level, quality, and affordability of health services offered in New Hampshire ***that implement and comply with the state health plan;*** and

III. The state has an interest in promoting ***cooperation*** and [stimulating] ***regulating*** competition in the health care marketplace as a means of managing the increases in health care costs ***and in maintaining and improving the quality of and access to health care services.***

7 State Health Plan. Amend RSA 151-C:2, XXXVI to read as follows:

XXXVI. "Standard" means a health policy guideline developed by the health services planning and review board ***which implements and conforms with the state health plan*** and ***which is*** instituted under the provisions of RSA 541-A.

8 New Paragraph; Definition of "State Health Plan." Amend RSA 151-C:2 by inserting after paragraph XXXVI the following new paragraph:

XXXVII. "State health plan" means the plan developed in accordance with RSA 151-D:6 which restructures the administration and delivery of health care resources and services in New Hampshire in a manner that controls costs, ensures access to quality services and otherwise implements the principles for health care reform set forth in HCR 1, relative to a universal health care program in New Hampshire, adopted by the general court on March 4, 1993.

9 Consumer Representation. Amend RSA 151-C:3, II to read as follows:

II. Each member appointed under subparagraph I(b) shall serve for 3 years and may be reappointed. *The members who are appointed as purchasers or consumers of health care services under subparagraph I(b)(1) shall not be members of any of the following groups, nor related in their immediate family to anyone who is a member of one of these groups:*

(a) *Health care providers or their employees, owners of health insurance plans or health maintenance organizations or their employees, or other persons who derive substantial income from health insurance plans, health maintenance organizations or the provisions of health care;*

(b) *Members of associations, law firms, or other institutions or organizations that represent the interests of health care providers, health plans or others involved in the health care field, or who practice as a professional in an area involving health care; or*

(c) *Owners, employees, board members, or individuals who derive substantial income from pharmaceutical companies and suppliers of medical equipment, devices, and services.*

10 Division Changed to Office. Amend RSA 151-C:3, VI and VII to read as follows:

VI. The board shall be administratively attached, pursuant to RSA21-G:10, to the [division of public health services] *office of health planning and development, established under RSA 126-A:58* and shall exercise its powers, duties, functions, and responsibilities independently of the [division] *office* and the department of health and human services, except as specifically provided by law. The board shall submit its budget requests and such reports required of it by law through the [division of public health services] *office of health planning and development.*

VII.(a) The [director of the division of public health services] *commissioner of health and human services* shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director office who shall oversee the staff and act as liaison between the [director] *office* and the board. The [director] *commissioner* shall also provide space for the board and staff and other assistance and materials as necessary.

(b) The staff director shall account to the [director of the division of public health services] *commissioner* for the administration of funds allocated under this chapter, for the conduct of the staff, and shall timely and appropriately execute his *or her* duties.

11 State Health Plan. Amend RSA 151-C:4, II to read as follows:

II. No certificate of need shall be granted by the board unless a standard has been developed which *implements and conforms with the state health plan and which* delineates the need for the service and outlines the criteria which must be met by any person proposing such a service.

12 State Health Plan. Amend RSA 151-C:5, III to read as follows:

III. The board shall develop, pursuant to rules adopted under RSA541-A, standards of need on health care services listed in paragraph II of this section *which are based on needs for institutional health services*

identified in the state health plan. The board shall publish notice of proposed standards in a state-wide newspaper and at least one newspaper in each county of the state. Each notice shall include dates and locations of public hearings.

13 State Health Plan. Amend the introductory paragraph of RSA151-C:6, I to read as follows:

I. If a standard of need, which precludes additional services, has existed for longer than 24 months, any person may request that the standard be reviewed to determine whether the standard [should be continued] ***continues to conform with and implement the state health plan or should be modified or eliminated.*** The 24-month requirement may be waived if it can be demonstrated that there has been a change in technology, market, or price which would warrant review of the standard. Notwithstanding RSA541-A:6, the procedure shall be as follows:

14 New Paragraph; Criterion Added. Amend RSA 151-C:7 by inserting after paragraph IV the following new paragraph:

V. The degree to which the proposed project promotes the implementation of or conflicts with the state health plan.

15 Reconsideration. Amend RSA 151-C:9, I to read as follows:

I. Upon completion of the review, the board, by majority vote of eligible board members, shall render a decision [on the applicant or applicants which filed in response to a request for application]. Any board member who has a personal or business conflict with any application shall not vote on such application ***or participate in the review.*** The decision shall be in the form of an approval, denial, or an approval with conditions. [An approval of a certificate of need shall be in conformance with the standard used as the basis for the request for application.] ***The board shall not grant a certificate of need, or otherwise find that the proposed new institutional health service is needed unless it makes written findings with supporting reasons as follows:***

(a) ***An approval of a certificate of need is in conformance with the standard used as the basis for the request for application;***

(b) ***Superior alternatives to such services, in terms of cost, efficiency, and appropriateness, do not exist, and the development of such alternatives is not practicable;***

(c) ***In the case of new construction, alternatives to new construction, such as modernization or sharing arrangements, have been considered and have been implemented to the maximum extent practicable;***

(d) ***In the absence of the proposed new service, patients would experience serious problems in terms of costs, availability, or accessibility, or such other difficulties as may be identified by the council, in obtaining care of the type proposed; and***

(e) ***The proposed new institutional health service is consistent with the state health plan.***

16 Intent; Funding. The legislature intends that the funds required to implement this act be derived from the health care transition fund, if established.

17 Transfer of Positions. To achieve the purposes of this act, the commissioner of administrative services shall transfer and convert 6 vacant positions in the executive branch to the New Hampshire health care authority authorized by this act.

18 Office of Health Planning. Amend RSA 126-A:58 to read as follows:

126-A:58 Office Established; Office of Health Planning. There is hereby established an office of health planning and development under the commissioner. Said office shall consist of a director, who shall be a classified

state employee, and such technical staff as is required to carry out the functions of [Public Law 93-641 and amendments thereto] **RSA 126:26 and RSA 151-D**.

19 Repeal. RSA 126-A:59, relative to Public Law 93-641, is repealed.

20 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes the New Hampshire health care authority and formulates goals and responsibilities for various health-related agencies for the purpose of implementing a coordinated and unified plan for health care reform. The bill also establishes a health care authority board to carry out the powers and duties of the authority. Under this bill, the board's duties include but are not limited to:

(1) Developing and adopting, in cooperation with the office of health planning and development, a state health plan embodying and implementing the principles for health care reform set forth in HCR 1, relative to a universal health care program in New Hampshire, which was adopted by the general court on March 4, 1993.

(2) Adopting rules pursuant to RSA 541-A relative to the administration of this new law.

(3) Developing a voluntary statewide demonstration health care purchasing alliance for the purpose of containing or reducing health care costs and increasing access to certain coverage.

(4) Submitting an annual report to the governor, president of the senate and the speaker of the house charting its progress in administering its duties and making recommendations for legislative measures required to implement health care reform.

SENATOR BALDIZAR: If I may, Mr. President, I would like to defer to Senator Hollingworth, who is the sponsor of the bill?

SENATOR HOLLINGWORTH: Over the last year, health care reform has been on the front burner, nationally, and in the state capitals throughout the United States. For more than a decade, health care costs have been rising at two to three times the rate of inflation, while wages barely have kept even. Businesses both large and small have seen the cost of health insurance rise. In fact, New Hampshire's business payments for health care have increased over 330 percent. The ability of this state to attract new businesses depends on our ability to control the costs of health care. Health care inflation is forcing more and more businesses to eliminate or reduce benefits, leaving even a larger percentage of New Hampshire's citizens without coverage. Family payments have risen from \$2,143 in 1980 to \$6,186 today. Exactly as Senator Colantuono was just stating a minute ago, about the high cost of health care. Those are the problems, and this is what this bill is meant to address. Today, without reform, the rate will be \$12,251 in the year 2000. Nearly double the amount paid in 1993. During the last decade, the average New Hampshire family health care payments rose 262 percent faster than wages. The number of people who do not have health care insurance percentage is higher than ever. More than 160,000 granite state residents are without insurance coverage. While New Hampshire's insurance costs are the lowest in the nation, they are increasing at a rate faster than the national average. We must be smarter, more deliberate, and more efficient with the way that we spend our limited health care resources. Furthermore, we must do a better job at meeting the needs of our communities. More than one quarter of the state's population is medically underserved. Ten percent of the children in this state are without health care insurance. In 1990 our infant mortality rate was several percentage rate

points higher than the national average. That is precisely why we are here today. SB 789 addresses the two fundamental problems with health care: uncontrollable cost and the lack of access. This legislation lays out a health policy goal and creates a mechanism to implement health care reform. This bill simply is a legislative intent. It embraces the Governor's health care reform proposal, and it meets the needs for New Hampshire to have its own health care reform in the event that the federal government should pass a health care package, and thus force New Hampshire to accept what has been passed on the national level. Health care reform is important. It is too important an issue not to have legislative intent. I would like to reserve the rest of my comments because I see that it is a late hour and everybody seems to be tired and wanting to get on with the issue. But if there are questions, I would be more than happy to answer them. I think that this is perhaps the most important piece of legislation in all of my years as both a House member and a Senate member that I bring before you. I would ask that this body would recognize the many, many, hours, years, in fact, that citizens' groups and senior citizens' groups, the AARP, all kinds of health care individuals, have spent in trying to bring this piece of legislation before you. I would hope that you would vote favorably of ought to pass on this most important piece of legislation.

SENATOR WHEELER: I will be very brief. This bill sets up a bureaucracy, almost 30 pages of it, as you can see. This bureaucracy would be run by individuals who are appointed, and who were not elected. If we pass this bill, we are abdicating our responsibility to deal with a health care issue. We shouldn't be putting this issue before an outside body. The bill's goals would include global budgets, which would lead to health care rationing. This bill also gives broad rulemaking authority. The governor opposes this bill, and Commissioner Bird opposes this bill. This bill was basically a partisan vote in committee. I would ask that you please find this bill inexpedient to legislate.

SENATOR COHEN: TAPE INAUDIBLE. People who are experts in the area can look at the various different alternatives and then make a suggestion. This doesn't create a bureaucracy. It just creates a mechanism for coming up with a solution to what everybody recognizes as a real serious crisis in the state of New Hampshire. I strongly urge the vote of ought to pass.

SENATOR BLAISDELL: Mr. President, I rise in support of this bill. Senator Hollingworth and I sat down with the governor last week. We talked to him about the different views, and you have a copy of it in front of you. TAPE INAUDIBLE. I think that we ought to get this bill down to Finance, and we can go from there. Really, I didn't get the feeling from the governor . . . he was very receptive.

SENATOR SHAHEEN: Senator Hollingworth, isn't it true that the authority that is set up in SB 789 was modeled on the authority that the governor has in his health care plan?

SENATOR HOLLINGWORTH: Yes, it is, Senator Shaheen.

SENATOR HOLLINGWORTH: Senator Blaisdell, I heard you say that this was going to go to Senate Finance, and I am reluctant to ask this question, because I should have asked it before we came to the floor, but I didn't. This bill has no funding that is going to be required over and above what is already established in the governor's proposal, and it is the trust money that would be coming from the federal government. In view of that, I thought that perhaps that this would not need to go to the Finance Committee, but I certainly would bow to your expertise on that issue.

SENATOR BLAISDELL: I think that with the trust fund being involved, Senator Hollingworth, it would be a good idea to see it down in Finance. Really, it will give the other members of the Senate a chance to look at the plans and really check it out.

SENATOR J. KING: Senator Hollingworth, we just heard about this big office deal and they were not elected, do you know of any agency or of any authority in the state of New Hampshire that is elected at the present time, the head of it?

SENATOR HOLLINGWORTH: No. I am glad that you brought up that point, Senator King. Because the important part of this is, that if we don't have a legislative intent, as all of you know, that the Governor is proposing that his proposal on health care would be by executive order. Any of you that were in Executive Finance Administration Committee last week, you heard the Attorney General's office and others say, that the executive orders carry no weight of law. In fact, when they are challenged in court, that they do not hold up in court. So you do have to pass the legislative intent for something as important as health care reform. It must come from the legislature; otherwise, this bill would not be a substantial reform and it would not last any longer than the governor's executive order on the issue.

SENATOR LOVEJOY: Senator Hollingworth, I understand that we have other health reform legislation coming before us this session, is that correct?

SENATOR HOLLINGWORTH: Yes, that is correct.

SENATOR LOVEJOY: And this differs from that?

SENATOR HOLLINGWORTH: Not any of the ones that have come out of the Senate. In fact, this embraces Senator Shaheen's, Senator King's, the two pieces that were in both of those pieces are the pieces that are also included in this. And it does not differ from the one that is in the House at all. In fact, today as they met to discuss the one that Representative Torr has brought in on behalf of the governor. They took many of the pieces that are contained in this bill, and they have lifted them in whole parts, and placed them in Ann Torr's legislation. So there is no real difference, other than this sets up much more of what is needed in health care reform.

SENATOR LOVEJOY: This Senate will have additional opportunities to address health care reform? Is that correct?

SENATOR HOLLINGWORTH: I would hope that you will have more opportunities to discuss other health care. This one, I think, has had wide input from everyone in the community of the providers, the stake holders, just about everybody. So I certainly would hope that you would support this.

SENATOR LOVEJOY: If this is passed, do you find any reason why the other bills should or should not be considered?

SENATOR HOLLINGWORTH: I am not sure that I understand what you are asking?

SENATOR LOVEJOY: If this bill is passed by the Senate, is there any reason why the other bills that are going to come before us should be considered by the Senate?

SENATOR HOLLINGWORTH: Certainly we should consider every bill that comes before the Senate and see what merits they have in them and what good points that they have.

SENATOR LOVEJOY: Thank you.

SENATOR BOURQUE: Senator Wheeler, I am really appalled by your statement. I don't think that this is a partisanship issue when it comes to

health care, because I don't feel that this is a partisan issue. Would you believe, that when my constituents call me, I don't ask them if they are Democrats or Republicans or otherwise. They call me for their assistance, and I am there, and I have been elected to help them. And to have you stand and say that this bill is a partisan issue, just is appalling to me, because you are saying to your constituents, well if you are a Republican I will help you and if your a Democrat I will not. I am disappointed that you have that very narrow view of health care for the state of New Hampshire.

SENATOR WHEELER: Thank you for your question, Senator Bourque. I don't believe that I ever said that. I was talking about the approach. A lot of things can be accomplished. The good things in this can be accomplished without the bureaucracy. That is my point.

SENATOR PODLES: Senator Hollingworth, isn't it true that your bill which is SB 789 had a surtax to help insurers, but no surtax for providers, and that is discriminatory? And that the Chubb Life Insurance Company came in and had a concern about this?

SENATOR HOLLINGWORTH: I am surprised, Senator Podles, that you are saying this, because this bill was amended in your committee. I am pretty sure that you were there on that day, and your committee amended it. In this bill this are no taxes contained at all. In fact, Chubb Life did come in and testify, and we took the taxes out of this bill.

SENATOR PODLES: I am glad to hear that, Senator, it wasn't there with the amendment that is all. Thank you.

SENATOR HOLLINGWORTH: Okay. Thank you.

Question is on the committee amendment.

A roll call was requested by Senator Wheeler.

Seconded by Senator Roberge.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 14 - Nays: 8

Amendment adopted.

Referred to the Division on Finance (Rule #24).

SB 529, an act limiting liability of trappers for certain accidents involving domestic animals. Wildlife and Recreation Committee. Split Report: Ought to pass with amendment. Senator Lovejoy for the committee. Split Report: Inexpedient to legislate. Senator Cohen for the committee.

5278B

Amendment to SB 529

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Trapper Liability Limited. Amend RSA 210:11 by inserting after paragraph IV the following new paragraph:

V. Any person licensed to trap fur-bearing animals, and using legally set traps, shall not be liable for an injury to a domestic animal which is running at large.

2 Effective Date. This act shall take effect 60 days after its passage.

SENATOR COHEN: The intent of this bill may have been to eliminate some of the unfair situations put onto trappers by incidental and accidental catches made on free roaming domestic animals. The problem is that this bill, as amended, goes way too far. It goes to the extreme. It places unfair liability on the owners of domestic animals. It puts those animals at great risk, unfairly. Although it makes sense to place liability in the lap of irresponsible owners who may allow their domestic animals to freely roam in violation of leash laws, specifically dogs, which are addressed in legislation. Many domestic animals, notably cats, are not, of course, subject to any kind of leash law. We should not as this bill surely will force owners to leash their cats. It is entirely unrealistic for any other domestic animals or risk losing them to trappers with no liability for damages. At the hearing, trappers were asked what they did when they caught a domestic cat? And of course they replied that they returned them back to the owners. I am sorry. I am not willing to leave this problem to the goodness of their hearts. We have heard from the Fish and Game that what often happens is that if they catch a cat, they shoot it. Situations will arise, like in the case of bird dogs. Which are hunted under the control of their owners. Trapping season overlaps a good deal of bird hunting season. When land is not posted, a person with a bird dog can lawfully go on that land to hunt. These dogs while technically in control by their owners, are not on a leash and can easily fall victim to these traps. A trapper should not be free of all liability simply because the trap was set legally. Fish and Game oppose this bill. They voted to oppose it. They said in their testimony, "relieves any licensed trapper of liability for trapping of domestic animals, no matter whose land he is on or whether or not he has permission from the landowner to be there. This creates a situation where we could have a trapper who is in violation of the law and finds him in violation based on the fact that he has caught a domestic animal in the trap that is illegally set. He owes nothing in terms of liability to the owner of the domestic animal." I would be happy to take any questions on this bill. The bill should surely be inexpedient to legislate.

SENATOR LOVEJOY: SB 529 will very simply limit the liability of the trappers from injury to domestic animals that are running at large. Any licensed trapper, that is a trapper with a license, trapping with permission, from the land owner. Senator Cohen, you said something contrary to that. A licensed trapper, trapping with permission of the land owner and using legally set traps, shall not be liable for the injury to the domestic non target animal that is accidentally caught. Now what puts us in that situation? A domestic animal that is actually trespassing. Someplace where he doesn't belong. Certainly not on his own owner's property. Because if he was on his own owner's property, he wouldn't be on the other land owner's property and subject to being caught. If the animal is not there with the permission of the land owner, then it is trespassing. The trapper is not trespassing, he has permission. He is legally licensed to do what he is doing. He is setting traps legally. The Fish and Game, incidentally, I want to inform the Senate, that Fish and Game took part in developing the amendment, that is acceptable to them. Senator Cohen during the committee hearing, said to me, "Senator Lovejoy, I can support that if you just make it for dogs." and I said, "No. I can't do that because that is discrimination." Well it is. Well who does more trespassing a dog or a cat or a duck or a goose or anything else? If it is a domestic pet on someone else's land, why can you support it for a dog but nothing else? That doesn't make sense to me. It doesn't make sense at all. I would challenge Senator Cohen to give me one instance of a trapper that caught a cat and shot him. I think that that is a terrible statement. I don't believe that it has happened, and I don't believe that it hap-

pens. I would like to know of an instance. Because if it did, then I think that we ought to go after that trapper because he shouldn't have a license, he shouldn't be doing that. If you have an instance, say so, and if you don't have an instance, then I think that you ought to retract that, because I really don't think that it is so, Senator. I think that this bill has been devised as it currently stands. If a trapper sets a legally set trap, with the owners permission, and a trespassing animal comes and gets caught, currently, the trapper is liable for any damages. In the case of wounding, the trapper must pay the veterinarian bills. In the case of death, the trapper must settle civilly in a court. I think that is unfair. Because a trapper is doing nothing illegal. Actually, the animal is. I urge that you support the Committee recommendation of ought to pass.

SENATOR RUSSMAN: You make it sound like the Fish and Game Department is in favor of this legislation and Senator Cohen makes it sound like they are not in favor of this piece of legislation as it now stands, and that is what we are voting on. Can either one of you, or both of you, address this question? Are they or are they not in favor of this?

SENATOR LOVEJOY: I can tell you, Senator Russman, that they took part in developing this amendment. I haven't discussed it with them personally, since the amendment that they took part in developing. But there haven't been any changes in it. But they did take part in developing the amendment that is before you.

SENATOR RUSSMAN: Senator Cohen, could you answer the same question, please?

SENATOR COHEN: They did indeed take part in this. But they were not satisfied with the outcome of the amendment. They would have supported it had it applied to dogs, which is how the laws are on the book. I can't cite the RSA right now. I am sorry. But they could support it if it came to dogs. But it is really a common sense issue. Dogs are someone's responsibility. The owners have some responsibility to keep them on their property or keep them on a leash. Cats can freely roam. Cats don't know about trespassing. Cat owners don't know about trespassing, I am sorry. This is a common sense bill here. Cats can be easily caught. And if the trappers have no liability, who knows what the fate of those cats is?

SENATOR WHEELER: Senator Lovejoy, would you believe that during the discussion on the amendment that the Fish and Game never mentioned in front of me that they did not support the amendment? In fact, they certainly gave the impression that they were very happy with the amendment and never mentioned anything about dogs while the amendment was being written? And this is the first that I have heard about Fish and Game and dogs only?

SENATOR LOVEJOY: Senator, in deference to Senator Baldizar's party that is going on, I will answer that with one word, yes, I would believe it.

SENATOR DISNARD: Mr. President, I support Senator Lovejoy's motion. I live in the southwestern part of New Hampshire, and I have had many trappers and sportsmen speak in favor of this amendment. I have had no one speak to me against it or any communication against it. I hope that you people will consider the people who live in the rural areas who enjoy this part of their livelihood. There should be some protection for them. We protect the lobster. We don't say that they shouldn't catch lobster because of some problem that might happen. I think that we should think about the other part of the state and those who have different types of recreation.

SENATOR SHAHEEN: Senator Lovejoy, can you tell me how big a problem this is and how many trappers were sued, arrested or fined?

SENATOR LOVEJOY: I can't give you any of those specifics, Senator. We asked them the same question and apparently, it is numerous. Apparently it happens frequently.

SENATOR SHAHEEN: What happens, that they're penalized for?

SENATOR LOVEJOY: That they are held responsible while they are going about setting their legally licensed traps. And they are held responsible for domestic animals.

SENATOR SHAHEEN: Can you tell me what held responsible means? Are they fined? Are they arrested? Are they sued by the owners of the domestic animals?

SENATOR LOVEJOY: I have that the trapper is liable for any damages; in the case of wounding, the trapper must pay veterinary bills. In the case of death, the trapper must settle civilly in court.

SENATOR SHAHEEN: Can you tell me how many people had a problem with this in the last year?

SENATOR LOVEJOY: No, I can't.

Question is on the committee amendment.

A roll call was requested by Senator Wheeler.

Seconded by Senator Roberge.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Lovejoy, Disnard, Wheeler, Pignatelli, Colantuono, McLane, Podles, Barnes, J. King, Russman, Delahunty.

The following Senators voted No: Roberge, Blaisdell, Baldizar, Bourque, Shaheen, Hollingworth, Cohen.

Yeas: 15 - Nays: 7

Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Shaheen moved to have **SB 681**, an act relative to fingerprinting of school district applicants for employment, and requiring record checks of non-certified applicants for employment with school administrative units or school districts, taken off the table.

Adopted.

SB 681, an act relative to fingerprinting of school district applicants for employment, and requiring record checks of non-certified applicants for employment with school administrative units or school districts.

5542B

Amendment to SB 681

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fingerprinting and criminal record checks for
newly hired school district employees.

Amend the bill by replacing all after the enacting clause with the following:
1 Criminal History Checks Required for New Hires Only. RSA189:13-a
is repealed and reenacted to read as follows:
189:13-a Criminal History Checks.

I. A criminal history records check shall be conducted in accordance with this section.

II. A person newly hired by a school administrative unit or school district shall submit notarized criminal history records release forms to his employer.

III. All criminal history records release forms executed by newly hired persons shall be accompanied by a complete set of fingerprints taken by a qualified law enforcement agency or its authorized agent and shall be submitted to the New Hampshire state police for the purpose of utilizing the files and records of the New Hampshire state police and the Federal Bureau of Investigation. The New Hampshire state police shall conduct a criminal history record inquiry for all newly hired persons and process it through the Federal Bureau of Investigation.

IV. All costs arising from the processing of criminal history records checks pursuant to the provisions of this section shall be borne either by the newly hired person or the employer. The costs shall be limited to the actual direct and indirect costs arising from the processing of the criminal history records check.

V. A criminal history records check of any non-certified person newly hired by a school administrative unit or school district shall be required. The person shall submit a notarized criminal history records release form accompanied by a complete set of fingerprints taken by a qualified law enforcement agency or its authorized agent to the employer, and such criminal history records check shall be conducted pursuant to the procedures set out in paragraph III. This paragraph applies to persons employed by private businesses and agencies when such businesses or agencies contract with school administrative units or school districts to provide services, including but not limited to cafeteria workers, school bus drivers, and custodial personnel. The costs of record checks shall be borne by the employing school administrative unit or school district or the contractor, at the employing school administrative unit or school district's option. The costs shall be limited to the actual direct and indirect costs arising from the processing of the criminal history records check.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires newly hired school district employees to submit a set of fingerprints to the department of safety, division of state police for the purposes of a criminal history records check.

This bill requires a set of fingerprints and a criminal history records check of any non-certified person newly hired by a school administrative unit or school district.

This bill also removes the requirement that a criminal history records check be conducted on all employees with a school administrative unit or school district. Only newly hired persons or newly hired non-certified employees would be subject to the criminal history records check.

Amendment adopted.

Senator Shaheen offered a floor amendment.

5586B

Floor Amendment to SB 681

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fingerprinting and criminal record checks for newly hired school district employees and private school employees.

Amend the bill by replacing all after the enacting clause with the following:

1 Criminal History Checks Required for New Hires Only. RSA189:13-a is repealed and reenacted to read as follows:

189:13-a Criminal History Checks.

I. A criminal history records check shall be conducted in accordance with this section.

II. A person newly hired by a school administrative unit, school district or private school shall submit notarized criminal history records release forms to his employer.

III. All criminal history records release forms executed by newly hired persons shall be accompanied by a complete set of fingerprints taken by a qualified law enforcement agency or its authorized agent and shall be submitted to the New Hampshire state police for the purpose of utilizing the files and records of the New Hampshire state police and the Federal Bureau of Investigation. The New Hampshire state police shall conduct a criminal history record inquiry for all newly hired persons and process it through the Federal Bureau of Investigation.

IV. All costs arising from the processing of criminal history records checks pursuant to the provisions of this section shall be borne either by the newly hired person or the employer. The costs shall be limited to the actual direct and indirect costs arising from the processing of the criminal history records check.

V. A criminal history records check of any non-certified person newly hired by a school administrative unit, school district or private school shall be required. The person shall submit a notarized criminal history records release form accompanied by a complete set of fingerprints taken by a qualified law enforcement agency or its authorized agent to the employer, and such criminal history records check shall be conducted pursuant to the procedures set out in paragraph III. This paragraph applies to persons employed by private businesses and agencies when such businesses or agencies contract with school administrative units, school districts or private schools to provide services, including but not limited to cafeteria workers, school bus drivers, and custodial personnel. The costs of record checks shall be borne by the employing school administrative unit, school district, private school or the contractor, at the employing school administrative unit, school district, or private school's option. The costs shall be limited to the actual direct and indirect costs arising from the processing of the criminal history records check.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires newly hired private school and school district employees to submit a set of fingerprints to the department of safety, division of state police for the purposes of a criminal history records check.

This bill requires a set of fingerprints and a criminal history records check of any non-certified person newly hired by a school administrative unit, school district or private school.

This bill also removes the requirement that a criminal history records check be conducted on all employees with a school administrative unit, school district or private school. Only newly hired persons or newly hired non-certified employees would be subject to the criminal history records check.

SENATOR SHAHEEN: The amendment makes one change. It adds private schools to the list of schools. I guess that I would urge this body to support the floor amendment. It seems to me, that if we are going to say that we

think that it is appropriate for teachers in the public schools to be fingerprinted, then we should say that it is also appropriate for the teachers in the private schools. I would urge the Senate to vote ought to pass.

SENATOR PODLES: Mr. President and Senators. First of all, the bill originally had private schools. But I was told that the New Hampshire Board of Education does not regulate those schools. The private schools are Catholic schools. Of course there is a separation of church and state. If you are going to have private schools, why don't you have day care, too, because that is a federal law now. It was signed into law and by July of next year, it is going to be a mandate. Originally, I did have that in the bill, and we were having a lot of problems with it, so we took it out. I would urge you to defeat the floor amendment and let the bill go as it is.

SENATOR MCLANE: I rise in strong opposition to the entire bill. The day that we start fingerprinting people who buy guns, then I will have you fingerprint teachers too. It is an insult to a profession, I believe. If we had substituted the word, 'may' for a local school board making a decision to have a criminal check of a teacher, a new teacher, I might have been a little more interested in this bill. But as it is, the thought of a child that I know well, growing up in New Hampshire, deciding to forsake the world of big money, and go for teaching school, then the first thing that the school board asks him to do is to go to the police station and get fingerprinted. That is an insult to an important profession. I think that if you want to send it to study and think about the fact that school boards would have the option, perhaps if they were hiring someone from out of state, someone who had taught. But to say as they did in the beginning, that every teacher, every three years, would have to pay \$40 of their own money, because otherwise it would be mandating under 28-a if we told the school boards that they had to pay for the fingerprinting. So to say that a teacher should go down to the police station, which is the only place, and get their fingerprints, is to me, an insult to a profession. If you want to catch the kind of pitiful people that this bill was originally put to get, you aren't going to get it by checking criminal records. Those people don't have criminal records. And you certainly aren't going to do it by catching the 80 percent of the teachers that are women. I ask you to defeat the amendment and the bill.

Question is on the floor amendment.

A roll call was requested by Senator Wheeler.

Seconded by Senator Roberge.

The following Senators voted Yes: Lamirande, W. King, Fraser, Disnard, Pignatelli, Podles, Russman, Shaheen.

The following Senators voted No: MacDonald, Lovejoy, Roberge, Blaisdell, Wheeler, Baldizar, Colantuono, McLane, Barnes, J. King, Bourque, Delahunty, Hollingworth, Cohen.

Yeas: 8 - Nays: 14

Floor amendment fails.

Question is on the motion of ordering to third reading.

A roll call was requested by Senator Wheeler.

Seconded by Senator Roberge.

The following Senators voted Yes: MacDonald, Disnard, Roberge, Pignatelli, Colantuono, Podles, Barnes, J. King, Russman, Bourque.

The following Senators voted No: Lamirande, W. King, Fraser, Lovejoy, Blaisdell, Wheeler, Baldizar, McLane, Shaheen, Delahunty, Hollingworth, Cohen.

Yeas: 10 - Nays: 12

Motion of ordering to third reading fails.

Senator Blaisdell moved inexpedient to legislate.

Adopted.

SB 681 is inexpedient to legislate.

RESOLUTION

Senator Podles offered the following resolution:

5576B

SR 2

STATE OF NEW HAMPSHIRE

In the year of Our Lord

One Thousand Nine Hundred and Ninety-Four

A RESOLUTION

requesting an opinion of the justices on
the constitutionality of SB 661.

Whereas, SB 661, which proposes to amend RSA 507 to establish a new procedure for pretrial dismissal of certain types of lawsuits, is pending before the senate; and

Whereas, the New Hampshire senate in considering this proposed legislation is unsure and uncertain as to the constitutionality of the new procedure allowing a special motion to strike certain causes of action; and

Whereas, a constitutional defect in the procedure for such a special motion to strike would adversely affect the fair administration of justice and might deprive citizens of the right to trial by jury; and

Whereas, Part II, Article 74 of the New Hampshire Constitution authorizes the senate to request an opinion of the justices of the supreme court upon such important questions of law pending and awaiting consideration and action by the senate which requests the advice in the course of its duty; now, therefore, be it

Resolved by the senate:

That the justices of the supreme court respectfully give their opinion on the following questions of law:

1. Is the procedure for consideration of a special motion to strike, as proposed in SB 661, permitted by the provisions of the New Hampshire Constitution, Part I, Article 20, which guarantees the right of trial by jury in civil cases?

2. Is the procedure proposed by SB 661 otherwise permitted by the New Hampshire Constitution?

That the senate clerk send a copy of this resolution together with a copy of SB 661 to the justices of the supreme court.

Adopted.

Ordered to third reading.

SENATOR HOUGH (In the Chair): As we know according to our rules, that this is the day that bills not being referred to Finance will be disposed of. In fairness and deference to Senator Baldizar who as a member of the Sen-

ate has not had a gathering this year, we could return in an hour. It is the will of the Chamber. I think in fairness, that we have to understand that there are some people who have interest on things before we adjourn. I would recess if we could extend that courtesy.

Recess.

Out of Recess.

TAKEN OFF THE TABLE

Senator Shaheen moved to have **SB 802**, an act relative to real estate appraisers, taken off the table.

Adopted.

SB 802, an act relative to real estate appraisers. Inexpedient to legislate.

SUBSTITUTE MOTION

Senator Shaheen moved to **substitute ought to pass for inexpedient to legislate.**

Adopted.

Senator Shaheen offered a floor amendment.

5699B

Floor Amendment to SB 802

Amend the bill by replacing all after the enacting clause with the following:
1 Definitions Revised. Amend RSA 310-B:2, VII and VIII to read as follows:

VII. "Certified *residential* appraisal," "*certified general appraisal*," "licensed *residential* appraisal," "certified *residential* appraisal report," "*certified general appraisal report*," or "licensed *residential* appraisal report" means a written appraisal or appraisal report signed by a state *licensed or* certified real estate appraiser. [The certified real estate appraiser must indicate in the report which type of certification is held.] *All real estate appraisers shall identify which license or certificate they hold.* An appraisal signed by a certified or licensed *real estate* appraiser represents to the public that the appraisal meets the appraisal standards defined in this chapter.

VIII. "Certified *residential* real estate appraiser," "*certified general real estate appraiser*," or "licensed *residential* real estate appraiser[,]" ["certified appraiser," or "licensed appraiser"] means a New Hampshire state certified or licensed appraiser who develops and communicates real estate appraisals and who holds a valid certificate or license issued for either general or residential real estate appraising under the provisions of this chapter.

2 Examination Prerequisites Revised; Certified Residential Appraiser Added. Amend RSA 310-B:8 to read as follows:

310-B:8 Examination Prerequisites.

I. As prerequisites to taking the examination for certification as a certified general real estate appraiser, an applicant shall present evidence, satisfactory to the board, of having completed [at least 165] *the required* classroom hours [of courses], *under rules adopted by the board pursuant to RSA 541-A*, in subjects related to real estate appraisal, including [instruction related to standards of professional practice] *instruction related to the Uniform Standards of Professional Appraisal Practice*, from an [appraisal organization or other] educational source approved by the board.

II. *As prerequisites to taking the examination for certification as a certified residential real estate appraiser, an applicant shall present evidence, satisfactory to the board, of having completed the required classroom hours, under rules adopted by the board pursuant to RSA541-A, in subjects related to real estate appraisal, including instruction related to the Uniform Standards of Professional Appraisal Practice, from an educational source approved by the board.*

III. As prerequisites to taking the examination for licensure as a licensed residential real estate appraiser, an applicant shall present evidence, satisfactory to the board, of having completed [at least 75] *the required classroom hours [of courses], under rules adopted by the board pursuant to RSA 541-A*, in subjects related to real estate appraisal, including [instruction related to standards of professional practice,] *instruction related to the Uniform Standards of Professional Appraisal Practice*, from an educational source approved by the board.

3 New Section; Temporary Practice. Amend RSA 310-B by inserting after section 12 the following new section:

310-B:12-a Temporary Practice. After application and payment of fee, the board shall issue a temporary license or certificate to an individual who is either licensed or certified in another jurisdiction if the application complies with rules adopted by the board pursuant to RSA 541-A.

4 Affixation of License or Certificate Number Revised. Amend RSA310-B:16, II to read as follows:

II. Each licensed or certified real estate appraiser shall place [his] *such appraiser's* license or certificate number adjacent to or immediately below [the title "New Hampshire State Licensed Residential Real Estate Appraiser" or "New Hampshire State Certified General Real Estate Appraiser" when] *the appraiser's signature whenever the appraiser's signature is* used in an appraisal report or in a contract or other instrument used by the license or certificate holder in conducting real estate appraisal activities.

5 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill revises certain definitions and regulatory provisions relative to real estate appraisers.

SENATOR SHAHEEN: The original SB 802, as it was proposed, was rejected by the Board of Real Estate Appraisers and a number of other groups. That particular bill was being supported by a segment of real estate appraisers. What you see before you, the floor amendment to SB 802, is a bill that all of the various groups have agreed to that they can support. It removes the controversial portions of the original bill, which dealt with certification, and changed the requirements for certification for real estate appraisers. This bill makes some technical changes in the definitions of real estate appraisers. It also provides for a temporary license for real estate appraisers. I would urge the committee, now that everybody seems to have agreed on something that they can support, to support the motion of ought to pass.

SENATOR DISNARD: Senator, it is my understanding, that this amendment replaces the bill, yet it only relates to real estate appraisers. There is no other type that this deals with?

SENATOR SHAHEEN: That is correct. The floor amendment replaces the entire original bill. It deals only with real estate appraisers. As I said, it really makes only two changes. It provides for a temporary license, and it also changes the wording on the definition.

Floor amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator J. King moved to have **SB 523**, an act relative to the confidentiality of proceedings of hospital and medical review committees, taken off the table.

Adopted.

SB 523, an act relative to the confidentiality of proceedings of hospital and medical review committees. Inexpedient to legislate.

SUBSTITUTE MOTION

Senator J. King moved to **substitute ought to pass for inexpedient to legislate.**

SENATOR J. KING: This bill has to do with the confidentiality of information used by the hospital and mental review committee. It had quite a bit of discussion and both sides were there presenting their sides. This has been before us, I guess, in the last two or three years. What happened is that we decided to send it to a study committee. We have a floor amendment that we would like to offer at a later time.

Adopted.

Senator J. King offered a floor amendment.

5346B

Floor Amendment to SB 523

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study patient access to information about health care providers and the quality assurance process.

Amend the bill by replacing all after the enacting clause with the following:
1 Committee Established; Membership.

I. There is established a committee to study the means and methods of improving opportunities for health care patients to obtain meaningful information regarding the skill and qualifications of their health care providers and about their own individual treatment and causes of medical injury without jeopardizing the integrity and effectiveness of existing quality assurance processes in health care institutions and professional societies.

II. The membership of the committee shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the president of the senate.

(c) The director of the division of public health services, department of health and human services, or designee.

(d) A representative of the New Hampshire board of registration in medicine, appointed by the board.

(e) A representative of the New Hampshire Bar Association, appointed by such association.

(f) A representative of the New Hampshire Hospital Association, appointed by such association.

(g) A representative of the New Hampshire Medical Society, appointed by such society.

(h) Two public members, who have experienced themselves, or through family members, an injury received in the course of medical treatment, appointed by the governor.

(i) A representative of the New Hampshire Nurses Association, appointed by such association.

(j) A representative of the New Hampshire chapter of the American Association of Retired Persons, appointed by such association.

(k) A representative of the New Hampshire Trial Lawyers Association, appointed by such association.

2 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named senate member within 30 days of the effective date of this act. Members of the committee shall serve without compensation or mileage payments.

3 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the speaker of the house, the president of the senate, and the governor on or before November 1, 1994.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study patient access to information about health care providers in relation to the quality assurance process.

SENATOR J. KING: All that I have to say is that at the meeting there was input from both sides, and both very interesting, and both very sincere. The result of that was that we decided to send it to a study committee and probably get them all together, and hopefully, come back with a good bill next year.

Floor amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Wheeler moved to have **SB 557**, an act providing that out-of-state same-gender marriages shall not be recognized as valid in New Hampshire, taken off the table.

Question is on removing SB 557 from the table.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, J. King, Russman, Bourque, Delahunty.

The following Senators voted No: Lamirande, W. King, Blaisdell, Baldizar, Pignatelli, McLane, Shaheen, Hollingworth, Cohen.

Yeas: 14 - Nays: 9

Adopted.

SB 557 is taken off the table.

SB 557, an act providing that out-of-state same-gender marriages shall not be recognized as valid in New Hampshire. Inexpedient to legislate.

SENATOR COHEN: The committee heard testimony on this and agreed to report it out inexpedient to legislate because there are no same gender marriages. None exist. There is no problem. It simply doesn't exist anywhere in the United States. The closest that it is even coming is in Hawaii where there is just talk about it, it doesn't exist there. This is just a baiting bill. There is no need for this whatsoever. It should be voted here and now as inexpedient to legislate.

SUBSTITUTE MOTION

Senator Wheeler moved to **substitute ought to pass for inexpedient to legislate.**

SENATOR WHEELER: There certainly is a need for this legislation. I wouldn't have put it in if there wasn't. The Hawaiian Supreme Court has struck down Hawaii's existing laws prohibiting same gender marriages and sent it back to the lower courts similar to our state-funded education decision from our New Hampshire Supreme Court. So it is eminent that Hawaii will in some way, form or shape, legalize same gender marriages in the very near future. I put in this bill so that New Hampshire would not be in the position where people could go to Hawaii and get married and come back to New Hampshire. There is a need for the bill and I would appreciate your support for the bill.

SENATOR BALDIZAR: Senator Wheeler, we did listen to some testimony on this bill. Are there currently, any states in the United States, that recognize same gender marriages?

SENATOR WHEELER: Except for the imminent decision of Hawaii, no. As far as I am concerned, one state is enough to need this legislation.

SENATOR BALDIZAR: Is there a decision in Hawaii at this time?

SENATOR WHEELER: No, there isn't. But, it is certainly clear that it is imminent, and the state of New Hampshire would not want to be in a position where someone could go to Hawaii and get married and come back here. Then we would have to tell them that they are not married anymore, if it was going to be our policy to prohibit same gender marriages. This legislation needs to be in place before the final decision is made in Hawaii.

SENATOR LOVEJOY: Isn't it true, Senator Wheeler, that with the passage of this bill that it would declare to the nation that New Hampshire will not recognize no matter what action that they take, and that in fact, is a positive statement?

SENATOR WHEELER: Absolutely, Senator Lovejoy, and thank you.

SENATOR HOLLINGWORTH: Yes, I sit on the Judiciary Committee and I would like to say that the testimony that we heard was this; in Hawaii there is a consideration to allow same gender marriages amongst the same in religious marriages only. Not to be recognized by the state. That goes on in one other country, I believe, Holland, or someplace like that. There is no attempt to make it a recognized marriage by that state. The big problem, and it was reported to us by the attorneys. That there are people who have children that are in marriages, currently, and what you would be doing is somehow, creating a constitutional problem. It would be an act in which you would prevent children from receiving their rightful inheritance. So the problem was greater than . . . since there really isn't a problem at all, why should we pass this legislation? And if we did, the problem would be that we would be creating a problem that could affect the rights of children's inheritance. That is the testimony, and that is why the committee felt strongly, why should we be doing this, and that this piece of legislation is, (1) Not needed. (2) If passed, it could cause problems constitutionally?

SENATOR W. KING: I would like to know why it is that this Senate as a matter of emergency, has to act on a Supreme Court decision in the state of Hawaii when we can't even act on a Supreme Court decision in our own state dealing with the education of our own children? It seems to me from a business point of view as well, that it is bad public policy for us as a state, to be negating legal contracts in other states, irrespective of how we feel about this

particular issue. To say that a legally binding contract that exists in another state, isn't enforceable in the state of New Hampshire or isn't valid in the state of New Hampshire is short-sighted at its worst and probably disastrous in many other ways. So I would urge this Senate to not vote for the pending motion and to make this bill inexpedient to legislate. It was a ridiculous bill to begin with. It should never have been brought before us. But we all know that there was a political agenda behind it. It is bad public policy.

SENATOR COLANTUONO: This bill came out of committee with a three to two vote. There wasn't a formal minority report, but there were two votes in favor of it. So I would like to make what might amount to the equivalent of a minority report. The situation in Hawaii is only the first step in a broad agenda that is nationwide. I think that anyone who doesn't understand that, doesn't read the newspapers and doesn't understand what is going on out there. That same gender marriage is something that is being pushed everywhere. And eventually there are going to be some states that are going to allow it. Now New Hampshire has a law which specifically prevents same gender marriage. It is illegal to get married in this state, if you are of the same gender. It is right in the law. It has been in there for at least ten years, I think. All that this law does, is make sure that there is a consistent policy so that people can't leave the state, go to states where it is legal, and then come back here and live as married persons, when they are of the same gender. There are all kinds of good policy reasons why that is the proper thing to do. Now if you are against the current policy that we have of prohibiting same gender marriages, that is one thing, stand up and say so. But this needs to be done to make sure, for example, that if a couple gets married in another state, and comes back to this state, they can't force their employer to give them health care benefits on a married person policy. It is done to make sure that if two people get married in another state and come into this state, they can't go to our divorce courts when they start fighting and want to have a divorce and split up, who gets the household furniture and who gets the car and so forth, that would be a little silly. Senator Hollingworth mentioned how it would affect children's rights. Well, if this were legalized, it would affect children's inheritance in just the opposite way that Senator Hollingworth said, because two people of the same gender, one of whom has a child, could get married in another state and come to this state, and then when the parent who had the child dies, that same gender partner could claim what they call a widow's share in our probate courts against the interest of the child who should be inheriting all of the money. So there are a lot of sound policy reasons. The statement made that this was a frivolous or ridiculous bill, is in itself frivolous or ridiculous. There is no political agenda behind this because we already have a law prohibiting same gender marriage. It is consistent with that policy. All that it is doing is plugging a loophole that was left in law, because when we created the law back in the 80's, no one could have imagined that any state would ever legalize same gender marriages.

SENATOR COHEN: Senator Colantuono, I can understand the state of New Hampshire making laws that affect people within the state of New Hampshire. My question would be, are there not laws in other states that differ perhaps substantially from New Hampshire's law, when it comes to marriage and divorce laws, and even though they may differ in other states, they may not be what we would recognize here in New Hampshire? Do we not still recognize that if someone gets divorced in another state with a different proceeding perhaps, something that we might not recognize within New Hampshire, we currently recognize those marriages and divorces even though they may be different? Wouldn't this be upsetting that rather significant apple cart if we were to pass this which is obviously not necessary?

SENATOR COLANTUONO: Well, not really. It is not really comprehensible, because New Hampshire does recognize divorce. It gives full faith and credit to divorces because it does recognize divorce. There is a limited exemption in the current marriage law in New Hampshire which allows New Hampshire to recognize marriage between a degree, like first cousins or brothers and sisters. It would otherwise be illegal in New Hampshire. If another state allows that type of marriage, we do, too. But, the reason for that, is so that if there are children born to that marriage outside the state, before they move to New Hampshire, the harm has already been done. If there is any problems with those children, they are already alive and there is no reason why New Hampshire shouldn't recognize that marriage. But that is the only reason that there is a limited exemption in the law. I think that it is comparing oranges and apples to say that if you accept legal contracts of other states, in some cases, that you must accept them in all other cases, that just doesn't follow.

SENATOR LOVEJOY: Senator Colantuono, as a practicing attorney, wouldn't you agree, that before this situation exists in any state, is the best time for the state to take action to remove any personality questions from an individual case? In other words, New Hampshire's position, am I correct in understanding that New Hampshire's position would be more correct without having to grandfather another state's action?

SENATOR COLANTUONO: I would agree that it would be prudent to address the problem before the problem arises.

SENATOR LOVEJOY: Thank you.

SENATOR SHAHEEN: I rise in opposition to the ought to pass motion. I believe that it is very clear as Senator Colantuono has pointed out, that we don't need this bill. Currently, same gender marriages are not recognized by the state of New Hampshire. But, I don't think that this bill is about whether or not the state is going to recognize same gender marriages or not. I think that this bill is about pandering to people's fears of gay people and a gay lifestyle. I would be willing to bet that there isn't anybody in this Chamber who supports and believes that is an appropriate lifestyle or who would like to have somebody in our family, have that particular lifestyle. But I don't believe that it is in the best interest of this Senate, or this legislature, or the state of New Hampshire, to pass legislation that panders to people's fears. You know, I was going home last night, and I was listening to National Public Radio, and they were interviewing a man who had served for two years as a spokesman for the Aryan nation. For those of you who don't know what that is, that is a hate group that draws people in and convinces them to support white supremacy, by pandering to their fears. One of the things that he said that really struck a note with me is that, the questioner was asking him what he was willing to talk about in terms of publicly saying and talking about violence and killing people who were different and being willing to openly admit their hate positions relative to certain groups. He said that the one group that he felt very comfortable talking openly about hating were homosexuals. Because that was acceptable in this country. I don't believe that ought to be acceptable. I don't support a gay lifestyle, but I don't believe that it is in any of our interest or the interest of the state of New Hampshire, or this country, to support discrimination against people because of the way that they live. I would urge the Senate not to support this ought to pass motion.

SENATOR COLANTUONO: Senator, would you agree with me that this bill in no way and in no place, refers at all to people who live a gay lifestyle or who are homosexuals? It merely prevents people who are of the same gender from being married whether they have that type of lifestyle or not?

SENATOR SHAHEEN: Senator Colantuono, would you agree with me that the only person who would have an interest in a same gender marriage would be somebody who lives a homosexual lifestyle?

SENATOR COLANTUONO: No, absolutely not. There are monetary reasons why people might want to get married. Insurance reasons, there are all kinds of reasons why two people of the same gender might want to get married.

SENATOR SHAHEEN: Show me three specific examples where that has happened and I will acknowledge that there may be a reason why.

SENATOR COLANTUONO: I will be happy to do that, Senator.

SENATOR PIGNATELLI: One of the first things that I ask myself when legislation is presented before us, is there a problem? In this case, I don't believe that there is a problem now. So this is not going to solve any problem that exists now. I also believe that this bill is unconstitutional, and I would like to read from my constitution, article IV, sections 1 and 2. (1). Full faith and credit shall be given to each state to the public acts, records and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceeding shall be proved and the effect thereof. (2). The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." So unless we are going to encourage our congress people to enact a constitutional amendment, we are opening ourselves up for passing a bill that is unconstitutional, and I ask that we not do that. I won't yield to any questions.

Question is on the substitute motion of ought to pass.

A roll call was requested by Senator Wheeler.

Seconded by Senator Blaisdell.

The following Senators voted Yes: Lamirande, MacDonald, Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, Bourque, Delahunty.

The following Senators voted No: W. King, Fraser, Currier, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Russman, Shaheen, Hollingworth, Cohen.

Yeas: 11 - Nays: 12

Substitute motion of ought to pass fails.

Senator Blaisdell moved inexpedient to legislate.

Adopted.

SB 557 is inexpedient to legislate.

TAKEN OFF THE TABLE

Senator Colantuono moved to have **SB 556-LOCAL**, an act permitting property tax abatements for persons who reside in a municipality which has no public high school, taken off the table.

Question is on taking SB 556 off the table.

A roll call was requested by Senator Colantuono.

Seconded by Senator Blaisdell.

The following Senators voted Yes: Lamirande, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, Bourque, Delahunty.

The following Senators voted No: W. King, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Russman, Shaheen, Hollingworth, Cohen.

Yeas: 13 - Nays: 10

Adopted.

SB 556 is taken off the table.

SB 556-LOCAL, an act permitting property tax abatements for persons who reside in a municipality which has no public high school. Inexpedient to legislate.

SENATOR MCLANE: Excuse me, I don't have my file here and I have just sent for it. But as I remember, this is an inexpedient report. The point being that Senator Colantuono put it in for the town of Litchfield. Litchfield does not have a high school. I think that it was very clear to all of the members of the committee that a lot of communities have a problem with property taxes paying for schools, and that this was sort of a foot in the door as to enrolling them into private high school educational programs. Meaning that if people in Litchfield sent their children to a Christian school, to a Catholic school, or any sort of a school, that you would not be paying, which is unconstitutional to pay directly to that private school. What you would be doing is abating their taxes. And we felt that that was a backhanded way of providing an unconstitutional tax incentive to people from the town of Litchfield. The town of Litchfield was the only one that came in support of this bill. It is a bill to give an unconstitutional reward in a small town of Litchfield.

SUBSTITUTE MOTION

Senator Colantuono moved to **substitute ought to pass for inexpedient to legislate.**

SENATOR COLANTUONO: There was an attempt made previously in this body, to pass a bill to provide abatements to parents who send children, actually it was in the House last year. There was a bill sent in to provide abatements to parents who send children to private schools, statewide. It was just enabling legislation. The town could accept it or the town could reject it. The House rejected it. A similar bill was put in by Senator Lovejoy this year, and this body rejected a statewide application. But when the House rejected that bill last year, the primary reason, I heard from the opponents was, that any bill that took money out of the public education system in a town was a bad idea and they couldn't support it. So in an attempt to overcome or sidestep that objection and work with the opponents, I came up with the idea of limiting this idea only to towns which do not have high schools, and limited it to only the high school age students; furthermore, limit it only to towns who tuition out their students to high schools in neighboring towns. The reason that is so important is because in towns that have cooperative high schools, regional high schools and so forth, they are paying directly for the support of that school. But if you have a town that tuitions out their students, and I use my town of Litchfield as an example, they are paying approximately, between \$5,000 to \$6,000 dollars per student in tuition payments to the neighboring towns. And if you had a program where a town could give a property tax abatement of say for example, \$1,000 like the Epsom plan or maybe \$1,500, for every student who took advantage of that abatement program, the school district budget in that town could be saving a net of three, four or five thousand dollars per student. And it wouldn't be taking any money out of that town's public education system, because there is no high school to support. It is

a net win situation for everybody involved. But if any town doesn't like the idea, they don't have to adopt it, because it is just permissive. It is just enabling. I believe that I sent around a memo to each Senator indicating which of the towns in each Senator's district would be affected by this, and I believe that most Senators have towns in their districts that might want to take advantage of this. I would disagree with the notion that giving a property tax abatement is unconstitutional. An abatement is simply a declaration that your tax bill owed to your town, is less than it would otherwise be, is completely different than a voucher or a payment from the public treasury, because the money has never gotten to the public treasury. We have an abatement program now in the law that the selectmen can abate taxes for any unlawful reason under our law. The courts have held abatements for this type of purpose are not among those reasons allowed by law, and this would correct that deficiency. But when a town gives a property tax abatement under the current law, the tax collector or the selectman don't go in and make sure that the person that got the abatement doesn't drop it into the Sunday collection plate or pay it to their child's parochial school education for example. That would be totally inappropriate. And for the same reason, there is nothing wrong in doing an abatement problem this way. There is nothing unconstitutional about it at all. The towns out there, the people out there, are looking for ways to relieve property tax burden. This is a modest way to affect that in towns that do not have high schools and wish to adopt it by a majority vote of their people. I would urge you to vote for this bill.

SENATOR COHEN: Senator Colantuono, Litchfield may not have a high school, but does Litchfield not have high school students?

SENATOR COLANTUONO: Yes.

SENATOR COHEN: Is this not a foot in the door to provide rebates for people who don't have children in schools, which would obviously, affect the entire assumption that the state of New Hampshire has had, that it is in the interest of not just the individual family, but in the interest of the entire community to educate our children, whether or not those individuals have children? Is this not the real intent of this bill?

SENATOR COLANTUONO: No. The intent of this bill is to save tax dollars. It only applies to parents with high school aged children. No parent who doesn't have a high school aged child going to a high school would be eligible for this program.

SENATOR COHEN: So it sounds like the answer to my second question is a yes. If a family does not have children in the high school, you're suggesting that they have, under this bill, a right to have this rebate. Which answers my question in the affirmative. That this would undermine the whole assumption that all of us have an interest in educating our children.

SENATOR COLANTUONO: No, Senator Cohen. I said just the opposite. No parent would qualify for this program unless they had high school aged children that they were sending to another school and paying the private tuition.

SENATOR DISNARD: Senator, would you believe, that I heard you say that if this is passed, it would not affect the school budget? If I heard correctly, I strongly disagree with that because that is fallacious. The reason that I say, Senator, that it is a fallacy, is that many people whose children would be eligible under this are going to vote to lower the budget, because they know what the cost is that the community may be paying to send a student to another school. The School Board only controls an amount of money.

That means by lowering the budget, it would reflect on the elementary schools in that district in the amount of money that they have, because they would have less money to operate with. I feel that would drastically hurt where some towns might want to give a family \$2,000 on a \$6,000 tuition and they may vote down the budget in figuring out how much that is going to cost, five times \$6,000 is \$30,000 as an example. Then the elementary schools in that district will have less money to operate.

SENATOR COLANTUONO: I disagree with your premise, respectfully. The way that I envision this happening is that in March, the school budget would be set, based upon an assumption for example, one hundred high school students being tuitioned out. Over the summer, the parents make their decisions, and then ten of those parents decide not to. The money is saved from the budget and then it can go back into either surplus for the next year or property tax relief for the next year. That is how it would work. I don't see how . . . because the decision as to where to send your child would be made after the school budget is voted, how there would be any mackerel affect on the whole school budget. And don't forget, this only applies to the high school kids for whom the town is paying tuition. It does not apply to the elementary or junior high school kids at all.

SENATOR DISNARD: Would you believe, Senator, that if that is your argument, I don't think that you understand the financial situation when budgets are made up?

SENATOR COLANTUONO: Well, I think that I do, Senator, respectfully.

SENATOR W. KING: Senator Colantuono, how many people live in Litchfield?

SENATOR COLANTUONO: Litchfield is a town of about 5,000.

SENATOR W. KING: And do you know how many high school age students today, attend a private school?

SENATOR COLANTUONO: The figures that we had in committee were a year or two old, but I would say somewhere between 250 and 300 right now.

SENATOR W. KING: That the town tuitions out?

SENATOR COLANTUONO: Right.

SENATOR W. KING: Do you know how many are going to private school, aside from that?

SENATOR COLANTUONO: Right now, I don't know that, because I don't believe that the state keeps that figure.

SENATOR W. KING: Do you personally know of some that are?

SENATOR COLANTUONO: I don't personally know of any.

SENATOR MCLANE: I have two questions for you. My first question is, were you aware when you put this bill in for Litchfield, that there are over 85 other towns that could be affected by this legislation who do not have a high school in their community?

SENATOR COLANTUONO: Yes. I also think that it is a bit of a misnomer to say that this bill was put in for a particular town. It was put in for the whole state, because the principle would work well statewide.

SENATOR MCLANE: I guess my second question really comes from Representative Charles Yeaton who is a very distinguished former principal from Merrimack, District 10. He pointed out that when this sort of a bill was put in before, that the savings to the taxpayers were nil, because you

had people who were already in private or religious schools. What you are saying is that everybody is going to get a tax abatement who sends their children to high school. So what is happening in the town of Epsom, a situation where you didn't persuade any new kids not to go to high school. What you did was have to pay for those kids who were already going to private schools and it costs them a lot more than they could possibly save. So I wondered if you had heard his testimony and what you thought of the fact that the so called savings to the taxpayers are quite doubtful as proved by the town of Epsom?

SENATOR COLANTUONO: Yes, I was there, and I heard his testimony. I understand that he is from Epsom, and he was an opponent of the Epsom plan, and he made that argument against the Epsom plan. My response to that is, that is the type of town by town evaluation that would go on under my bill, which is just an enabling bill. If a town determines that it has so many high school students now attending private schools, that to give an abatement would cost them more than they would save, obviously, the good taxpayers and voters of that town would use their common sense and not adopt this enabling legislation.

SENATOR MCLANE: You have used the example of a town that suddenly had ten kids that weren't going to the high school where they were supposed to be paying their tuition. And I wondered if you could look at it, perhaps from the point of view of that school? That the receiving high school, and the fact that you took ten kids out. You're assuming that it is just going to save money all the way around. The testimony that we heard was that if you remove ten kids from a high school, you probably wouldn't save a damn cent, because you would have to have 31 kids out of a class in order to eliminate a class. Those high school kids go to a lot of different classes, and removing them, certainly isn't going to save the price. So that the cost to the other communities would be far greater if they were then not receiving that tuition by persuading kids to go to private schools?

SENATOR COLANTUONO: Senator, from coming from Concord, I am sure that you know that the biggest problem that receiving schools have in these multi town high schools, is the problem of over crowding and having other towns decide to get out and build their own high schools. Senator Delahunty has a problem with Windham, and Derry has a problem with other towns and so forth, and that is the real problem. This bill would help the over crowding problem in those receiving schools.

SENATOR MCLANE: I guess if your answer is a question, I would say that I think that you have just explained what is wrong with your own bill.

SENATOR SHAHEEN: Senator Colantuono, my assumption in reading your bill and listening to you is that, if somebody receives an abatement on his tuition because he is sending his student to a private school, that the school budget might be reduced by a corresponding amount. Is that correct?

SENATOR COLANTUONO: That is the way that I asked Legislative Services to draft the bill, yes.

SENATOR SHAHEEN: Are you aware that, in fact, if this bill passes, those property tax abatements would come not from the school taxes side of the budget, but from the municipal side of the budget, because of the way that the statute is currently written and the way that we collect revenues in towns? In fact, there wouldn't be an option of reducing the school budgets in those towns. What we would be doing, would be reducing the municipal side of the budget in those towns as a result of this legislation.

SENATOR COLANTUONO: My request to Legislative Services was to draft a bill that would reduce the school side of the budget. I trusted that they did the job properly in their professional manner. If they didn't, and you wish to file a floor amendment to correct a problem that you see, I would be happy to work with you on it. I believe that it is drafted the way that I asked them to draft it.

SENATOR SHAHEEN: But, in fact, the problem to accomplish what you want, is not so much in the way that your bill is drafted, but in the way that we currently collect revenues, and provide for abatements. And if this bill is passed, it would, in fact, have that effect on local communities.

SENATOR COLANTUONO: I am not sure, because I asked them to do it, and I assume that they did it right. If they didn't, and we have to correct it in the House or correct it here, correct it anywhere, I would be happy to work with you on it.

SENATOR SHAHEEN: Would you believe, that that is, in fact, the view of the Municipal Association, and that they have been arguing this issue for a number of years, and that abatements always come out of the municipal side of the budget?

SENATOR COLANTUONO: The Municipal Association never came to me to work on this bill to help make it better.

SENATOR LAMIRANDE: Senator Colantuono, I have a couple of questions. There is talk in my area of forming a cooperative district. What would be the advantage of this bill to the towns in my area, because there are several that do not have access to public schools, therefore, they have to send them out of the area? In addition to that, right now, we have property poor communities in the northern part of the state, several property poor communities. The tax rate in the city of Berlin right now, is approximately \$53 per thousand. Of that, \$23 goes to support the school system. The cost per pupil for a high school student is approximately \$4800. The state's per pupil per year, is around \$6200 a year. Would this help or hurt my area?

SENATOR COLANTUONO: This bill wouldn't help the city of Berlin, because it has a high school. But it would help any town in your District One, which tuitions out its high school children to neighboring school districts. Beyond that, we haven't spoken too much about this. It would help the hard pressed taxpayer and citizen out there, who wants to have an alternative education in a private school for their children, on the affordability factor.

SENATOR CURRIER: Senator, I am a little perplexed by the discrimination that this bill shows. Why aren't kindergarten and elementary school and home schools considered as part of the whole bill?

SENATOR COLANTUONO: Because Senator Lovejoy already introduced that bill and it failed this body.

SENATOR CURRIER: It failed this body?

SENATOR COLANTUONO: It failed this body.

SENATOR CURRIER: This session?

SENATOR COLANTUONO: This session.

SENATOR DELAHUNTY: Senator Colantuono, you know that Windham has just contracted with Salem to take a number of their students that now go to Pinkerton Academy. The town of Salem has just approved the school budget. To make provisions for these additional students coming in, the Salem School Board, the administrative unit, has hired teachers, hired staffing,

developed programming. If this bill passes and a number of these students decide not to attend Salem, what happens to this personnel? What happens to the support money for the programs that have been developed, and planned? Also, what happens if we only get about 75 percent of the students instead of 100 percent that we are originally supposed to get? What effect will that have on personnel? What effect will it have . . . you mentioned monies . . . I am still a little confused on the financial situation. Most importantly, you're dealing with personnel. It is my understanding that these teachers have to be rehired or be notified by the end of March as to whether or not they are coming back. And once that commitment is made, you're obligated. You, I think, in previous testimony stated, "that the parents probably wouldn't make up their minds to where the students might go until the summer." So could you explain to me, how we would deal with that?

SENATOR COLANTUONO: Well on a town by town basis, it would have to be evaluated by the School Department personnel and reasonable estimates, maybe by taking surveys or whatever, would have to be developed and it would be planned for. The first year, the transitional year, might be a little difficult to get the numbers right, but after that, I would imagine that it would get flowing pretty smoothly.

SENATOR LOVEJOY: Senator Colantuono, isn't it true that if a sending district is paying say, \$5,000 tuition and with their enabling ability, decide to grab an abatement for \$2,000 or \$3,000 wouldn't then the sending district, have a net saving of \$2,000 or \$3,000 dollars?

SENATOR COLANTUONO: Yes. That is correct.

SENATOR LOVEJOY: Well that is the way that I understood it. I didn't understand some of the other questions, which prompted my question. So in effect, my question to you is, wouldn't this result if a city or if a sending district, that didn't have a school, took advantage of the enabling ability, they could, in fact, save money?

SENATOR COLANTUONO: Yes. That is the way that the bill is designed.

SENATOR LOVEJOY: Thank you.

SENATOR J. KING: Say that 50 or 100 students have decided not to go to that other school or that other city. For instance, the city of Manchester, they get them from Litchfield, they get them from Bedford, they get them from Hooksett, they get them from Candia, they get them from Auburn. Say that all of them decided to leave and you are probably talking about \$4000 a year at the average tuition, each. Does that mean that money would be taken out of that budget? Wouldn't that create quite a situation, wouldn't you agree?

SENATOR COLANTUONO: No. As I said earlier, those kinds of things can be planned for, and provided for, in the budget planning process.

SENATOR FRASER: Senator Colantuono, the town of Barnstead sends high school students to Pittsfield and they also send them to Wolfeboro. Could you explain to me so that I can understand the difference, the fiscal impact between a voucher program, where let's say the town of Barnstead had a voucher program, and they were giving \$1,500 for these students to go elsewhere to be educated in private schools, what would be the difference between that and the tax abatement so far as the bottom line is concerned on the budget? I mean, either way, I think, and I don't mean to make a statement, Mr. President, but, is it true that the fiscal impact, whether it be a voucher program or an abatement program, the bottom line would probably be the same?

SENATOR COLANTUONO: For this particular bill?

SENATOR FRASER: Yes.

SENATOR COLANTUONO: Yes. It would be roughly the same. But, there is a big difference in constitutionality. Because a voucher is a direct expenditure of government dollars, whereas an abatement is not.

SENATOR HOLLINGWORTH: I will be very brief, because I think that the questions have really spelled out the problem that is here. But the Municipal Association opposes this legislation. The reason that they opposed it is because of what happened in this debate. You know clearly that there would be a problem. What I see, contracts and construction of buildings have been made with bus companies and schools, because towns have said, we are going to send you so many numbers of students. In the event that towns now take on this bill that Senator Colantuono is now proposing, what you are going to find is that these schools that have built these other buildings, with the understanding that they would be having a certain amount of students, are going to be paced with a plan, teachers and buses and all of these other things that they have based on what they believed was the future children that they were going to educate. That's a serious problem. I think that this bill does nothing to give more ability to towns than what they already currently have. They can contract with other towns to send their kids to school. I have heard from several of the towns that oppose this legislation, who would if it passed, as Tom says, could have the chance of supporting it. They do not support passage of this at all.

SENATOR W. KING: This is in one form or another a choice or voucher bill, a choice in education bill. I have to tell you that under certain circumstances, I disagree with Senator McLane, and I support choice in schools. But let me be clear about this. This will likely cost, if we do this, most towns more money, not less money. I say that because there was a study recently down in the city of Manchester where they took a look at how many kids they had, how many kids were already enrolled in private schools. Then they said, okay, before you give a tax abatement or a voucher, or anything like that to any child who is currently in the Manchester system, how much would it cost us to provide those abatements for those kids who are already in private schools? What they found out was that it was going to be one million dollars to say hello. Before they even got to moving one child out of the Manchester schools system into another system. Now, it would take a lot of kids going out of that school system, to save what they were going to have to put up front to begin with. This does not necessarily reduce the budget, it reduces the revenues to pay for the budget and who gets the break? Who gets the break? The people who are already paying to have their children in private schools, not the poor schmuck who is fighting to survive financially. Not the person who has to break open the piggy bank at the end of every month so that they can pay their property tax bill, now their costs are going to go up. The people who are going to get the break are the people who can already afford to send their kids to private school, by and large. That is a ridiculous way for us to make public policy.

SENATOR CURRIER: Senator King, if this bill passed, how would regional cooperative school districts, how are they dealt with in this case? I mean, for example, Henniker doesn't have a high school, Weare doesn't have a high school, but they have a cooperative high school. Does that mean that people in both of those communities are eligible?

SENATOR W. KING: It is my understanding, Senator Currier, from what Senator Colantuono has said, that this would not affect those schools directly; however, we all know that these school districts all over the state of New Hampshire are at war with one another. Towns are at war with one

another over the formulas, and good decent people are at war with one another over the education of our kids. And none of us, I would venture to say, in this Chamber, like that. So what we would be doing is exacerbating the problem that already exists between these towns, because some towns would be looking at this as a way out even if it isn't.

SENATOR CURRIER: Would you believe, that is the reason why I used the reference to Henniker and Weare as opposed to Bradford, Warner and New London?

Senator Disnard moved the question.

Question is on the substitute motion of ought to pass.

A roll call was requested by Senator Wheeler.

Seconded by Senator W. King.

The following Senators voted Yes: MacDonald, Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes.

The following Senators voted No: Lamirande, W. King, Fraser, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Russman, Bourque, Shaheen, Delahunty, Hollingworth, Cohen.

Yeas: 7 - Nays: 16

Substitute motion of ought to pass fails.

Senator Blaisdell moved inexpedient to legislate.

Adopted.

SB 556 is inexpedient to legislate.

TAKEN OFF THE TABLE

Senator Colantuono moved to have **SB 623**, an act relative to the protection of freedom of speech on college campuses, taken off the table.

Question is on taking SB 623 off the table.

A roll call was requested by Senator Colantuono.

Seconded by Senator Blaisdell.

The following Senators voted Yes: Lovejoy, Currier, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, J. King, Bourque, Delahunty.

The following Senators voted No: Lamirande, W. King, MacDonald, Fraser, Blaisdell, Baldizar, McLane, Russman, Shaheen, Hollingworth, Cohen.

Yeas: 11 - Nays: 11

Senator Pignatelli (Rule #42).

Motion to take SB 623 off the table fails.

TAKEN OFF THE TABLE

Senator J. King moved to have **SB 791-FN-A**, an act to facilitate cooperative agreements among New Hampshire hospitals and making an appropriation therefor, taken off the table.

Adopted.

SB 791-FN-A, an act to facilitate cooperative agreements among New Hampshire hospitals and making an appropriation therefor. Ought to pass with amendment.

4951B

Amendment to SB 791-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings of the General Court. The general court finds that:

I. Collaborative and cooperative agreements, as well as mergers, among hospitals in the provision of hospital and hospital-related services may foster further improvements in the quality of health care for New Hampshire citizens, moderate increases in cost, improve access to needed services in rural parts of New Hampshire, and enhance the likelihood that smaller hospitals in New Hampshire will remain open in service to their communities.

II. Hospitals and other providers are in the best position to identify and structure voluntary cooperative arrangements which enhance quality of care, improve access, and achieve cost-efficiency in the provision of care.

III. Because competition is important to the health care sector and some cooperative and collaborative agreements may have anticompetitive effects which would operate to the detriment of the public, regulatory and judicial oversight of such agreements is necessary to ensure that the benefits of agreements outweigh any disadvantages attributable to any reduction in competition likely to result from the agreements.

2 Committee Established; Membership. There is established a committee to study the issue of establishing health care provider cooperative, collaborative, and merger agreements in New Hampshire. The members of the committee shall be as follows:

I. Three members of the house of representatives, appointed by the speaker of the house.

II. Three members of the senate, appointed by the president of the senate.

3 Duties. The committee shall study the issue of fostering health care provider cooperative and collaborative agreements in New Hampshire. The committee's study shall include, but not be limited to, the following:

I. The Maine Hospital Cooperation Act of 1992 and relevant legislation and administrative rules in Vermont and New Hampshire.

II. The New Hampshire and federal antitrust laws.

III. Barriers that may exist among health care providers in New Hampshire.

IV. Initiatives that the Federal Trade Commission issued in September, 1993.

V. Any other relevant information.

4 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named senate member within 30 days of the effective date of this act. The members of the committee shall receive mileage at the legislative rate when attending to their duties on the committee.

5 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the president of the senate, the speaker of the house and the governor on or before November 1, 1994.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of creating health care provider cooperative and collaborative agreements in New Hampshire.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Question is on the committee amendment.

Amendment adopted.

SENATOR J. KING: The bill as established sets up different procedures for hospitals that desire to enter into a cooperative agreement, such as, the Elliot and Catholic Medical Center did in Manchester. There was a lot of discussion there, and I guess the sponsor spoke for it. He decided to change it to a study committee because there was one in the House. After discussing this bill with the attorney general, he recommended that it be ought to pass with the study committee, as it is in the Senate, and have both bills going. That is what we are doing. The study committee is made up of the Medical Association and other hospital working members. I don't have my file here with me. This bill just sets up a study committee to look at the procedure for New Hampshire cooperative agreement in the future.

Ordered to third reading.**RESOLUTION****SR 1**

Senator Russman moved as approved by the Senate Rules Committee the following amendment to Senate Rules. That all Senate Bills in the Finance Executive Committee must be acted on by the Senate no later than March 22, 1994.

Adopted.**RESOLUTION**

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn to Tuesday, March 22, 1994 at 10:00 a.m.

Adopted.**RESOLUTION**

Senator Russman moves that all Senate Bills left in committee, Laid on the Table or not acted upon by the body in any manner, with the exception of those sent to the Court for an opinion of the Justices, be by this resolution made Inexpedient to Legislate.

Adopted.**LAIID ON THE TABLE BILLS KILLED BY RESOLUTION**

SB 502-FN, an act requiring that a part-time state employee be paid for sick leave accumulated after the equivalent of 6 months of employment.

SB 623, an act relative to the protection of freedom of speech on college campuses.

SB 633, an act exempting the real estate and personal property of The Housing Partnership from the property tax.

SB 712, an act prohibiting the healthy kids corporation insurance plan from funding abortions.

LATE SESSION

Third Reading and Final Passage

SB 506, an act allowing matters of state or national concern to be placed on the official ballot used for the election of town officers.

SB 508-LOCAL, an act enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities.

SB 518, relative to life and health insurance policy language simplification.

SB 520-LOCAL, an act relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord.

SB 522-FN, an act requiring elected police officers to meet certain criminal history and background requirements.

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process.

SB 529, an act limiting liability of trappers for certain accidents involving domestic animals.

SB 534, relative to condominium common assessments.

SB 539, establishing a committee to study the issue of exclusivity contracts between health care insurers and health care providers.

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping.

SB 569, permitting the checking of traps at night subject to certain restrictions.

SB 573, establishing a committee to study the relocation of abandoned manufactured homes within manufactured housing parks.

SB 602-FN, an act relative to defaults on payments of motor vehicle fines or court appearances.

SB 603, an act relative to the definition and payment of salaried employees.

SB 621-FN, an act relative to eligibility for unemployment benefits.

SB 639, an act relative to medical records and the fee for retrieving medical record copies.

SB 640-FN, an act abolishing the advisory board of massage practitioners, establishing a regulatory board of massage practitioners, and specifying the board's duties, rulemaking authority, and fee collection procedures.

SB 651-FN, an act creating a real estate recovery trust fund, to be funded by certain fees.

SB 658, an act regulating the practice of dental hygiene, including the issuance of licenses and fees.

SB 664, an act relative to laid off state employees whose positions are federally funded.

SB 676, an act relative to equal employment opportunity in the workplace.

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership.

SB 687, relative to the duties of the legislative advisory committee on campaign financing statutes.

SB 716-FN, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

SB 724, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing.

SB 733-FN, an act requiring certification of athletic trainers, including fees for certification.

SB 736-FN-A, relative to the taxation of grantor trusts.

SB 740-FN, an act relative to employee leasing.

SB 754-FN, an act directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

SB 756-FN-A, relative to the definitions of "gross receipts" and "public utility" for the calculation of the franchise tax with respect to the sale of gas.

SB 763, establishing an executive board for community service.

SB 764, requiring the department of transportation to maintain and plow an additional one-mile stretch of Tri-Cothic Road in the town of Ellsworth.

SB 777, establishing a committee to study health care issues in New Hampshire.

SB 790, an act relative to small power producers.

SB 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.

SB 802, an act relative to real estate appraisers.

SB 805, an act reorganizing and making further amendments to the administrative procedure act.

SB 807, an act allowing the establishment of the Capital Wellness, Inc.

SJR 1, an act proclaiming 1993-1994 as university of New Hampshire year.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn and that we adjourn until Tuesday, March 22, 1994 at 10:00 a.m.

Adopted.

Adjournment.

March 22, 1994

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by Senator John Barnes.

May we all remember that we are friends in this Senate Chamber and that the business of the day is going to be very debatable. Please Lord, remind us all to keep our tempers and that when we leave this Chamber today that we leave as friends.

Amen

Senator J. King led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

INTRODUCTION OF HOUSE BILLS

Senator Delahunty offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House bills numbered 1104 - 1581, HCR 20 - HJR 29 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1104, making a person who knowingly causes the death of a judicial officer guilty of capital murder. Judiciary Committee.

HB 1105, limiting the suspension of sentences. Judiciary Committee.

HB 1108, relative to the appointment of members to the northeast interstate dairy compact commission and relative to the certification of milk laboratories. Executive Departments and Administration Committee.

HB 1121, repealing the standardbred breeders and owners development agency. Executive Departments and Administration Committee.

HB 1124, extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county. Judiciary Committee.

HB 1154, establishing a committee to study the feasibility of establishing a separate arbitration board for recreational vehicle defects. Wildlife and Recreation Committee.

HB 1161, relative to the authority of the state to regulate political advertising which is broadcast. Public Affairs Committee.

HB 1171, relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services. Environment Committee.

HB 1180, modifying the arson statutes to include historic structures and increasing the penalty. Judiciary Committee.

HB 1208, creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters. Transportation Committee.

HB 1216, allowing the exclusion of certain corporate officers and members of limited liability companies from workers' compensation coverage. Insurance Committee.

HB 1222, requiring that recounts of certain secret ballot votes take place at the town or school district meeting. Public Affairs Committee.

HB 1225, relative to access to medical care. Judiciary Committee.

HB 1227, allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts and establishing priority rights as between such victim and the indemnifying entity. Judiciary Committee.

HB 1232, prohibiting annulments for certain crimes. Judiciary Committee.

HB 1237, making interference with the duty of a probation or parole officer a crime establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire. Judiciary Committee.

HB 1238, relative to time computation for purposes of statutory construction. Public Affairs Committee.

HB 1240, permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water. Environment Committee.

HB 1244, repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act and repealing certain provisions regarding witness testimony and admissibility of evidence. Judiciary Committee.

HB 1247, allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances. Judiciary Committee.

HB 1252, allowing mail claims in certain instances in filing for unemployment compensation, relative to disqualification for benefits due to self-employment, and relative to eligibility requirements for benefits. Insurance Committee.

HB 1262-FN, relative to the compensation for medical, hospital, and remedial care under workers' compensation. Insurance Committee.

HB 1263-FN, authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority. Executive Departments and Administration Committee.

HB 1265-FN-LOCAL, allowing city treasurers to invest money belonging to the city in certain investment instruments. Banks Committee.

HB 1290-FN, changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees. Banks Committee.

HB 1293, amending the charter of the Union school district of Keene. Education Committee.

HB 1300-FN-A, requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation. Judiciary Committee.

HB 1318, relative to reporting requirements for elected officials. Public Affairs Committee.

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. Education Committee.

HB 1349, relative to representation of business organizations in small claims court. Judiciary Committee.

HB 1356-FN, relative to the duties of the members and the director of the state veterans council. Executive Departments and Administration Committee.

HB 1369, requesting the judicial council to study issues regarding faxed documents. Judiciary Committee.

HB 1370, allowing certain inclusions in a public utility's rate base. Executive Departments and Administration Committee.

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D. Interstate Cooperation Committee.

HB 1397, relative to a limitation on telephone company release of telephone call records. Executive Departments and Administration Committee.

HB 1400, relative to providing pain relieving medication to individuals who are terminally ill. Public Institutions, Health and Human Services Committee.

HB 1405, relative to voting and party membership. Public Affairs Committee.

HB 1409, authorizing the public utilities commission to adopt rules relative to voluntary construction standards for compliance with increased energy efficiency standards. Executive Departments and Administration Committee.

HB 1410, relative to zoning board of adjustment rehearings. Public Affairs Committee.

HB 1426, relative to the placement of candidates' names on the ballot. Public Affairs Committee.

HB 1435, relative to the penalty for a second or subsequent offense for carrying a pistol or revolver without a license. Judiciary Committee.

HB 1462-LOCAL, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems. Environment Committee.

HB 1472-FN, making an appropriation to the fund for domestic violence programs. Finance Executive Committee.

HB 1476-LOCAL, relative to certain definitions under the environmental laws, municipal liability and the tax sale and lien process, and the liability of owners of hazardous waste facilities. Environment Committee.

HB 1477, changing the judicial district for Thompson and Meserve's Purchase. Judiciary Committee.

HB 1498-FN-LOCAL, relative to the type of voting machines which may be used in municipalities. Public Affairs Committee.

HB 1510-FN, relative to the availability of on-site foreign currency exchange. Banks Committee.

HB 1550, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level. Judiciary Committee.

HB 1552-FN-LOCAL, relative to the certification of employer contributions by the retirement system board of trustees. Insurance Committee.

HB 1566-FN, relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in places which are organized and which are not organized for voting, and relative to the declaration of intent form which must be filed by candidates. Public Affairs Committee.

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee. Executive Departments and Administration Committee.

HB 1580-FN-A, increasing the funds appropriated to finance the gubernatorial transition. Finance Executive Committee.

HB 1581, establishing a committee to study the University of New Hampshire cooperative extension, and changing the name of the extension service to "University of New Hampshire cooperative extension". Education Committee.

HCR 22, urging Congress to limit campaign spending and to keep unalterable records of its proceedings. Public Affairs Committee.

HCR 29, clarifying legislative intent on issues of local school board control. Education Committee.

HJR 20, urging the Federal Highway Administration to include certain segments of U.S. Route 2 in the new "National Highway System. Transportation Committee.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 510, relative to certificate of election blanks and write-in votes.

HB 514, amending the election laws relative to the political calendar and election ballots.

HB 541, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections.

HOUSE MESSAGE

The House of Representatives, as per the two-thirds-majority requirement of House Rule 34(b), has failed to introduce the following Senate bills sent down from the Senate:

SB 595, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day.

SB 616, relative to term limitations for members of Congress from New Hampshire.

SB 710, changing the interest rate on delinquent property taxes and subsequent taxes.

CACR 38, relating to term limits for certain federal and state offices.

The following letter was sent to the House of Representatives in response to the previous House message:

March 21, 1994

The Honorable Harold W. Burns
Speaker of the House of Representatives
State House, Room 312
Concord, NH 03301

Dear Mr. Speaker:

I write on behalf of the Senate to challenge the parliamentary procedure by which the House has encumbered the introduction of legislation adopted by the Senate. In particular, I believe the House has interpreted and applied House Rule 34 (b) in a manner which contradicts the Constitution of New Hampshire and Mason's Manual of Legislative Procedure and departs from parliamentary precedent and historical tradition. Should the House cling to its position, I fear the integrity of the legislative process and relations between the two bodies will be threatened with grave implications for the future of the General Court itself.

Without joint rules, the Senate and the House have followed rules of their own making in accordance with the Constitution (Part II, Articles 22 and 37). Furthermore, the House has chosen, in circumstances where neither the Constitution nor its rules apply, to follow the parliamentary authority of Mason's Manual of Legislative Procedure.

Unlike the Senate, the House has chosen to restrict the introduction of bills in the second annual session. House Rule 34 (b) forbids the introduction of bills in the second annual session "substantially similar" to bills which the House voted to indefinitely postpone or inexpedient to legislate in the first annual session without the approval of either a majority of the Committee on Rules or two-thirds of the members of the House.

As you know, the House, upon invoking House Rule 34 (b), has refused to introduce several bills adopted by the Senate after they failed to command a majority of the Committee on Rules or a super majority of the membership of the House.

Although both the Constitution and Mason's grant each chamber the authority to set and follow its own procedures, neither entitles one chamber to apply its rules to the proceedings or membership of the other. Consequently, House Rule 34 (b) must be interpreted to apply solely to members of the House. This rule does not, and under the Constitution, cannot apply to the Senate or its members.

Furthermore, in the absence of joint rules and the silence of the Constitution, the relationship between the two bodies must be defined by the letter of Mason's and the spirit of precedent. Mason's stipulates that "Where one branch has passed upon a matter and forwarded it to the other the latter is, as a rule, bound to receive and act upon it" (Section 761.5). And House Rule 4 provides that "(t)he Speaker shall refer to the appropriate committees all bills, resolutions, memorials, petitions, accounts and other matters coming before the House, unless otherwise ordered by the House."

Finally, I can find no instance in the history of the Legislature where one body adopted a bill only to have the other require approval by super majority before allowing its introduction.

By applying House Rule 34 (b) to bills adopted by the Senate the House grants a minority of its membership, either a majority of Committee on Rules or one third of the members, authority to veto legislation endorsed by the Senate. Moreover, these encumbrances discriminate among Senate bills by requiring a super majority of some but a simple majority of others, effectively infringing the right of Senators to file legislation.

The intent of the authors of our Constitution, upheld by two centuries of precedent and tradition, is that no legislation fails save at the hands of a majority of one body or the other. The application of House Rule 34 (b) vests a minority of the House of Representatives with the authority legitimately reserved to the majority by the Constitution, Mason's and history.

As President of the Senate, I cannot and will not countenance an interpretation of House Rules which enables a minority of the House of Representatives to frustrate the will of a majority of the Senate. The responsibilities of my office bind me to challenge this violation of settled procedure and departure from parliamentary precedent which prejudices the essential interests of the Senate and threatens the successful operation of the Legislature.

Mr. Speaker, I urge you to reconsider your interpretation of House Rule 34 (b) and render a ruling consistent with our Constitution, parliamentary process and historical tradition.

Yours sincerely,

Ralph Degnan Hough
President of the Senate

COMMITTEE REPORTS

SB 545-FN, an act relative to the salary of the executive director of the pharmacy board. Appropriations Committee. Ought to pass with amendment. Senator J. King for the committee.

5539B

Amendment to SB 545-FN

Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect July 1, 1995.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 593-FN, an act relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients. Appropriations Committee. Ought to pass with amendment. Senator J. King for the committee.

5359B

Amendment to SB 593-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor.

Amend RSA 318:42, II as inserted by section 8 of the bill by replacing it with the following:

II. Physicians, dentists, optometrists, [and] veterinarians, *and advanced registered nurse practitioners* from possessing, compounding, personally administering, or distributing prescription drugs to meet the immediate medical needs of their patients. *For advanced nurse practitioners, compounding shall be limited according to RSA 318:42, VIII(a) and (b).*

Amend the bill by inserting after section 28 the following and renumbering the original 29 and 30 to read as 33 and 34, respectively:

29 Board of Nurses Registration. Amend PAU 05, 01, 02, 06, 01 as inserted by 1993, 349:1 by inserting the following new class:

	FY 1994	FY 1995
25 Transfer to Pharmacy Commission	0	10,160

30 Board of Nurses Registration; Totals. Amend PAU 05, 01, 02, 06, 01 as inserted by 1993, 349:1 by replacing the totals and estimated source of funds with the following:

	FY 1994	FY 1995
Total	461,978	[480,044] 490,204
Estimated Source of Funds for Nurses Registration		
06 Agency Income I	2,100	2,100
General Fund	459,878	[477,944] 488,104
Total	461,978	[480,044] 490,204

31 Pharmacy Commission. Amend PAU 05, 01, 08, 08, 01 as inserted by 1993, 349:1 as follows:

	FY 1994	FY 1995
Strike out:		
50 Personal Service - Temp/Appointe	7,413	7,455
Insert in place thereof:		
50 Personal Service - Temp/Appointe	7,413	17,615
32 Pharmacy Commission; Totals. Amend PAU 05, 01, 08, 08, 01 as inserted by 1993, 349:1 by replacing the totals and estimated source of funds with the following:		

	FY 1994	FY 1995
Total	329,801	[338,030] 348,190
Estimated Source of Funds for Pharmacy Commission		
01 Other Agency Funds I	94,460	[94,460] 104,620
09 Agency Income	4,200	4,200
General Fund	231,141	239,370
Total	329,801	[338,030] 348,190

AMENDED ANALYSIS

This bill allows advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients.

The bill also makes an appropriation to the board of nurses registration for transfer to the pharmacy commission.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 628-FN, an act relative to regulation of youth camps. Appropriations Committee. Ought to pass with amendment. Senator Currier for the committee.

5357B

Amendment to SB 628-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Rulemaking Clarified. RSA 485-A:25 is repealed and reenacted to read as follows:

485-A:25 Rulemaking.

I. The division shall adopt rules under RSA 541-A relative to:

(a) Issuance of licenses to camp operators under RSA 485-A:24.

(b) Water quality-related issues for the protection of persons using camp facilities regulated under this subdivision.

II. The division, in consultation with the division of public health services, shall adopt all other necessary rules under RSA 541-A, relative to public health and safety issues for the protection of persons using camp facilities regulated under this subdivision.

2 Effective Date. This act shall take effect 60 days after its passage.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 652-FN-A, an act making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf

of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families. Appropriations Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

SENATOR COLANTUONO: Senator Disnard, can you address the question of why this money wasn't appropriated in the budget last year?

SENATOR DISNARD: I wasn't on the Appropriations Committee, I can't answer that. I would like to defer to Senator Hollingworth. The department in relation to the north country, was not available last year, that is why it was not acted upon. That program has now gone defunct and this is needed to keep the program in operation. The transportation part. I would have to defer to the Appropriations Committee from last year or the Senate President.

Adopted.

Ordered to third reading.

SB 655-FN-A, an act relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor. Appropriations Committee. Ought to pass with amendment. Senator Currier for the committee.

5345B

Amendment to SB 655-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose.

I. RSA 220:1 declares that "accurate and detailed information concerning the state's timber resources and uses is essential to planning for the wise use and perpetuation of those resources and that the welfare of the state is served by making such information as complete, current, and available as possible." RSA 220:5 also requires that this information be provided every 10 years. It has been 12 years since comprehensive information concerning growth and harvest of New Hampshire's timber resource has been collected. Most of this information was collected and analyzed by the U.S. Forest Service through their decennial forest inventory and analysis. Due to federal budget constraints, data from this inventory is not expected to be collected and available in New Hampshire until 1998. During the last 12 years there have been significant changes in the use and availability of New Hampshire's timber resource, including:

(a) The development of a major new consumer of wood fiber, the wood-to-energy industry.

(b) Increased mechanization of timber harvesting.

(c) Unprecedented development and loss of forests through land conversion.

(d) Significant changes in northern spruce-fir stands from harvesting and spruce budworm damage.

(e) Increased Canadian and overseas demand for both unprocessed logs and processed timber.

(f) Continued reversion of farm to forest land.

II. In recent years, important forest policy questions have been raised by these changes that cannot be resolved without updated data on the condition of the state's timber resources. In addition, development of the New Hampshire forest resources plan mandated under RSA 220:7 is now

underway. This plan will set policy guidelines for the wise management and protection of New Hampshire's forests into the next century, and shall be based on complete and current information, a vital portion of which can only be obtained through the data collection proposed for funding under the provisions of this act.

III. This act outlines important near-term New Hampshire timber resource growth, standing volume and drain information which needs to be funded, contracted for and compiled by 1995 in partial fulfillment of the requirements of RSA 220.

2 Objectives. The information required under the provisions of section 3 are important to:

I. Provide estimated growth, standing timber volume and drain information for New Hampshire forest planning process required under RSA220.

II. Provide data to assist policy makers over major current forest policy issues, including the wood energy debate, viability of James River mill, log exporting, timber resource relationships between federal and other public forest lands, and private forest lands, and northern forest lands policy.

III. Provide industry and state with current data to assist in capital investment and new facility siting decision-making.

IV. Refine methodology for future regular forest inventory and data collection.

3 Information Required. The information required under the provisions of this act shall be collected and analyzed by the contractor awarded the contract under the competitive bidding process and shall include:

I. Harvest Removal Trends including:

(a) Use timber yield tax report-of-cut data provided by the department of revenue administration under RSA 79.

(b) Evaluation of permanent loss of timberland through land conversion from soil conservation service national resource inventory data for the period of 1983-1992.

II. Processed Wood Product Volume Trends including:

(a) Use volume data required under RSA 224-A:7 for all major primary wood product consumers; including James River, Wausau, wood energy facilities, sawmills and round-wood mills.

(b) A direct survey of out-of-state and Canadian purchasers of New Hampshire timber for the period of 1983-1992.

4 Timber Estimation. As a separate contract the U.S. Forest Service, northeast forest experiment station shall determine the current estimated standing timber by species, volume and grade. The U.S. Forest Service shall make use of the U.S. Forest Service inventory data from the 1982 survey using computer modeling to determine the current estimated standing timber by species, volume and grade.

5 Appropriation. The sum of \$56,000 is hereby appropriated to the department of resources and economic development, division of forest and lands for the biennium ending June 30, 1995, for the purposes enumerated in sections 3 and 4 of this act. This sum is in addition to any other sums appropriated to the department of resources and economic development, division of forest and lands. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes an appropriation to the department of resources and economic development, division of forest and lands, to hire a contractor to conduct a forest inventory analysis and to pay for the services of the U.S. Forest Service.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 667-FN, an act relative to guardians ad litem appointed in child protection cases. Appropriations Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 670-FN, an act making technical corrections to the securities laws and relative to fees for securities registration. Appropriations Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 674-FN-A, an act placing responsibility for dredging projects in tidal waters with the port authority and making an appropriation therefor. Appropriations Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5223B

Amendment to SB 674

Amend the title of the bill by replacing it with the following:

AN ACT

placing responsibility for dredging projects in tidal waters
with the port authority and continually appropriating
certain fees to the port authority.

Amend the bill by replacing all after section 2 with the following:

3 Funding. The port authority shall carryout the provisions of RSA271-A:20 in fiscal year 1995 with funds already appropriated to the harbor management program from revenues received from boats registered in tidal waters.

4 Continually Appropriating Fees to Port Authority. Amend RSA 270-E:7, II to read as follows:

II. All fees collected under RSA 270-E:5, I and III for vessels registered for tidal and coastal waters shall be made available to the port authority for the purposes of safety, navigation, training, administration, and enforcement. Such sums shall be nonlapsing and shall be continually appropriated to the port authority.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill places responsibility for the management of all tidal water dredging projects with the port authority and continually appropriates certain vessel registration fees to the port authority.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 747-FN, an act relative to lease-purchase agreements. Appropriations Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 748-FN, an act creating interagency family assistance teams for at-risk youths. Appropriations Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 755-FN-A, an act allowing a business profits tax credit for alternative fuel vehicles. Appropriations Committee. Ought to pass with amendment. Senator Russman for the committee.

5299B

Amendment to SB 755-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

allowing business profits tax credits for alternative fuel vehicles.

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; Alternative Fuel Tax Credits; Business Profits Tax. Amend RSA 77-A:5 by inserting after paragraph X the following new paragraphs:

XI. There shall be allowed an alternative fuel vehicle tax credit equal to the cost of conversion equipment, including but not limited to, engines, engine modifications and parts, energy storage, supply and control devices, and associated installation costs, as are needed to allow the operation of and existing as opposed to a new vehicle on an alternative fuel to satisfy the conditions and requirements of the Clean Air Act of 1990, as amended, and the Energy Policy Act of 1992. The credit available under this paragraph shall not exceed 5 percent of the total tax due under this chapter before any other credits under RSA 77-A:5 are taken into account, provided that any unused portion of the credit allowed under this paragraph may be carried forward and allowed against the tax due under this chapter for 5 taxable periods from the taxable period in which the costs of the conversion giving rise to the credit were paid. The credit allowed under this paragraph shall only be available to business organizations which convert vehicles in advance of the schedules or to more vehicles than required by the applicable federal statute.

XII. There shall be allowed a new alternative fuel vehicle tax credit for the purchase of a new alternative fuel vehicle to satisfy the conditions and requirements of the Clean Air Act of 1990, as amended, and the Energy Policy Act of 1992. The credit allowed under this paragraph shall be equal to the incremental difference in cost due to the ability to operate on an alternative fuel as compared to the cost for the same vehicle without such capacity. The credit available under this paragraph shall not exceed 5 percent of the total tax due under this chapter before any other credits under RSA 77-A:5 are taken into account, provided that any unused portion of the credit allowed under this paragraph may be carried forward and allowed against the tax due

under this chapter for five taxable periods from the taxable period in which the costs of the purchase giving the rise to the credit were paid. The credit allowed under this paragraph shall only be available to business organizations which advance purchase or acquire more alternative fuel vehicles than are required by the appropriate federal statute.

XIII. There shall be allowed a tax credit equal to the cost of the construction and installation of alternative fuel fill stations required to fuel alternative fuel vehicles designed, converted or manufactured to comply with the clean Air Act of 1990, as amended, and the Energy Policy Act of 1992. The credit allowed under this section shall not exceed 5 percent of the total tax due under this chapter before any other credits under RSA 77-A:5 are taken into account, provided that any unused portion of the credit allowed under this paragraph may be carried forward and allowed against the tax due under this chapter for 5 taxable periods from the taxable period in which the costs for the construction and installation of such fill station giving rise to the credit was paid.

XIV. For the purposes of paragraphs XI-XIII, "alternative fuel" means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by federal law and regulation, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefying petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel that federal law or regulation determines is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.

Amend the bill by replacing section 5 with the following:

5 Applicability of Repeal. The repeal of RSA 77-A:5, XI-XIV effective July 1, 2000, shall not affect the unused amount of any credit carried forward over the allowable 5 taxable periods.

Amend the bill by replacing section 6 with the following:

6 Repeal. RSA 77-A:5, XI-XIV, relative to alternative fuel vehicle tax credits against the business profits tax, are repealed.

AMENDED ANALYSIS

This bill allows business profits tax credits to any business organization to satisfy the conditions and requirements of the Clean Air Act and the Energy Policy Act before the federal requirements become effective. The credit is limited to 5 percent of the total business profits tax due and may be carried forward for up to 5 years. The credits are repealed in the year 2000.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Senator Colantuono in opposition to SB 755.

SB 760-FN-A-LOCAL, an act establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees. Appropriations Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 769-FN, an act dividing any budget surplus between the revenue stabilization reserve account and state aid to education. Appropriations Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

SENATOR LOVEJOY: Senator King, supposing there is a revenue surplus on any given year; and the money is then distributed to the cities and towns. They then take that money and put it into their school budget for that year; and then the following year, there is no budget surplus to distribute those monies. Haven't we, in fact, inflated the local school budget spending to a level that the local community would have to match, they would have to stretch to achieve?

SENATOR J. KING: What happens is, every two years they would receive a total amount, but that would be set for two years. Half would be used for one year and the other half would be used for the second year. You can see what is happening, so you would have an idea of what is happening as it goes along. They wouldn't have that problem that you just explained.

SENATOR LOVEJOY: Then for a two year period, we have the budget surplus, and I am trying to understand this; we would have the budget surplus, and then we would take that and split that between two years on the local spending level?

SENATOR J. KING: Right.

SENATOR LOVEJOY: So our local education budget, then would be increased by that amount?

SENATOR J. KING: Right.

SENATOR LOVEJOY: And then the next biennium, we do not . . . we go on to hard times and there is no budget surplus. Haven't we then inflated the local school budget? That is going to be difficult to achieve in those same hard times for the those communities?

SENATOR J. KING: I would imagine that the hard times would also be with the community, so they would have to do the same thing that the state would have to do to handle the situation. That means if you have to cut, you have to cut. I don't think that many of the towns and cities would have any trouble getting some things that they could get for a year or two years, that they are doing without at the present time. If it did come to the hard times in the state, it would also be hard times in the local communities and they would accept it.

SENATOR LOVEJOY: Do you assume then, that we would be encouraging the local communities to take this money and to apply it to their general budget, the tax rate, rather than during those years that the contribution is being made, rather than applying it to extra spending on education?

SENATOR J. KING: I would imagine that the cities and towns would view this and do what they see fit to do in their best manner, that they seem to do now. Whether this is for education or not, I think that the cities and towns have good judgement when they have the money. The biggest problem is not having any and I don't think that we have any problem as to how they use it or how they use it right.

SENATOR LOVEJOY: Thank you.

SENATOR PIGNATELLI: Senator King, is it possible that one of the reasons that this bill was introduced was to give communities the right to make decisions on whether they feel that they might want to reduce property taxes or increase education? Also, couldn't a school district know if it spends the money on education that this is perhaps a one time shot in the arm and they might use the money accordingly on a one shot promotion within the school to let us say to buy computers?

SENATOR J. KING: I certainly agree with you, and that is what has happened this past session. We gave \$10 million to the cities and towns to use and that is only for a one year period. I also think that if the towns don't want to get involved, because they think that it is going to cause a catastrophe or any problems, they could leave it in there; I would imagine that some of the other towns would be willing to take their share.

SENATOR SHAHEEN: Senator King, as you pointed out, isn't it a fact that when the monies got sent back to cities and towns in the last session, that there were a number of communities like Somersworth and Senator Lovejoy's district, that, in fact, did take that money and send it back to property taxpayers to provide property tax relief?

SENATOR J. KING: I believe that you are right, Senator.

SENATOR SHAHEEN: Thank you.

SENATOR W. KING: This is divided into a two year period. They get 50 percent the first year and 50 percent the second year, which means, after the first year, if we are in a position as Senator Lovejoy has suggested, of having no budget surplus, the cities and towns then have a full year of planning before they have to deal with not having those revenues. They can use that money any way that they want. But, given the fact that New Hampshire is 51st in the United States of America today in the number of computers in our schools, it might be a good idea as Senator Pignatelli has suggested, that they spend that money on something that is a one time expenditure that includes the quality of education that they can provide overall. This is the money of property taxpayers and the taxpayers in the state of New Hampshire. This is the best way to return it to them if there is a surplus leftover from the budget.

SENATOR BARNES: Senator King, did you put this bill in to back up what happened at 3:30 a.m. on the morning of May something, when it was decided that all of the money wouldn't go back to the Rainy Day Fund, but the \$10 million would go back to the cities and towns? Was that something that you tried to put in here . . .

SENATOR W. KING: Well it is similar, Senator Barnes, but actually, part of the reason that I put this bill in is because that when Governor Merrill was campaigning, he talked about this and I thought that it was a good idea, so I put the bill in.

SENATOR BARNES: Wasn't that part of the conversation, didn't I hear that at 3:30 in the morning? The Governor was there and he listened to the eight folks that were in the room and that is how the \$10 million came back to the cities and towns?

SENATOR W. KING: Yes.

SENATOR BARNES: It looked very familiar to me, thank you.

Question is on ordering to third reading.

A roll call was requested by Senator Colantuono.

Seconded by Senator Wheeler.

The following Senators voted Yes: Lamirande, W. King, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, Barnes, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Reberge, Wheeler, Colantuono, Podles, Russman, Delahunty.

Yeas: 14 - Nays: 9

Adopted.

Ordered to third reading.

Recess.

Out of recess.

SB 774-FN, an act to increase the medicaid coverage for all children up to 18 years of age. Appropriations Committee. Ought to pass with amendment. Senator J. King for the committee.

5317

Amendment to SB 774-FN

Amend the title of the bill by replacing it with the following:

AN ACT

to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor.

Amend the bill by inserting after section 2 the following new section and renumbering the original section 3 to read as 4:

3 Appropriation. The sum of \$1,874,385 for the fiscal year ending June 30, 1995, is appropriated to the division of human services, department of health and human services. The sum appropriated under this section shall be a charge against the health care transition fund if established.

AMENDED ANALYSIS

This bill expands medicaid coverage to 185 percent of the poverty level for children 18 years of age or under and makes an appropriation for that purpose. The necessary funds shall be a charge against the health care transition fund, if established.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 775-FN, an act providing medicaid coverage for adults 18 to 64 years of age. Appropriations Committee. Ought to pass with amendment. Senator J. King for the committee.

5319B

Amendment to SB 775-FN

Amend the bill by inserting after section 1 the following new section and renumbering the original section 2 to read as 3:

2 Funding. The funds required to implement the provisions of this act shall be derived from the health care transition fund, if established.

AMENDED ANALYSIS

This bill requires the director of the division of human services, department of health and human services, to seek a federal waiver to provide medicaid coverage for adults 18 to 64 years of age who have income 50

percent below the poverty level. The funds required to implement the provisions of this act shall be derived from the health care transition fund, if established.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 787-FN-A, an act relative to dental coverage for adults under the Medicaid program and making an appropriation therefor. Appropriations Committee. Ought to pass with amendment. Senator Currier for the committee.

5318B

Amendment to SB 787-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Medical Assistance Dental Coverage for Adults Required. Amend RSA 167 by inserting after section 7-a the following new section:

167:7-b Dental Coverage for Adults Under the Medical Assistance Program. The director of the division of human services shall adopt rules under RSA 541-A, to be made effective October 1, 1994, which provide coverage to adults under the medical assistance program for a basic array of dental services needed to maintain and restore dental health. There shall be a cumulative annual payment limit of \$1,000 per person for covered dental services. At a minimum, coverage shall include examinations, diagnosis and treatment planning, radiographs, prophylaxis, oral hygiene instruction, non-surgical periodontic therapy, restorations, removable prosthetics, root canal therapy, and extractions.

2 New Paragraph; Additional Rulemaking. Amend RSA 167:3-c by inserting after paragraph IX the following new paragraph:

X. Dental coverage for adults under the medical assistance program under RSA 167:7-b.

3 Appropriation. The sum of \$800,000 is hereby appropriated to the division of human services, department of health and human services for the fiscal year ending June 30, 1995, for the purposes of this act. This appropriation is in addition to any other funds appropriated to the division of human services, department of health and human services. The sum appropriated in this section, shall be a charge against the health care transition fund, if established.

4 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill extends basic dental services to adults who are enrolled in the Medicaid program. Currently, dental coverage is limited to the extraction of acutely painful or infected teeth.

This bill also establishes an annual limit of \$1,000 per person for covered dental services.

This bill makes an appropriation to the division of human services, department of health and human services which shall be a charge against the health care transition fund, if established.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Senators Colantuono, Lovejoy and Wheeler in opposition to SB 787.

SB 788-FN-LOCAL, an act relative to alternative fuel motor vehicles. Appropriations Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1516-FN-A, an act transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefor. Appropriations Committee. Ought to pass. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 600-FN-A, an act relative to a liquor store in Center Harbor and making an appropriation therefor. Capital Budget Committee. Ought to pass with amendment. Senator MacDonald for the committee.

5682B

Amendment to SB 600-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

directing the liquor commission to license an
agency liquor store in Center Harbor.

1 Center Harbor Agency Liquor Store. The liquor commission shall, on or before July 1, 1995, select and license a party to operate an agency liquor store in the town of Center Harbor, in accordance with the provisions of RSA 177:9-16.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the liquor commission to select and license a party to operate an agency liquor store in the town of Center Harbor on or before July 1, 1995.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 644-FN-A, an act appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101. Capital Budget Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 648-FN, an act amending the 10-year highway plan and requiring the department of transportation to construct northbound and southbound

entrance and exit ramps on I-93 in the town of Thornton. Capital Budget Committee. Ought to pass with amendment. Senator MacDonald for the committee.

5644B

Amendment to SB 648-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Amending the 10 Year Highway Plan; Ramps on I-93 in Thornton Required. Amend 1986, 203:4-a, I, as inserted by 1988, 247:1 and amended by 1993:222:1 by inserting after subparagraph (f) the following new subparagraph:

(g) Thornton Construction of northbound and southbound entrance and exit ramps between exits 29 and 30.

2 Effective Date. This act shall take effect upon its passage.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 659-FN-A, an act relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor. Capital Budget Committee. Ought to pass. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 761-A, an act relative to rehabilitating the rail lines of class III railroads and making an appropriation therefor. Capital Budget Committee. Ought to pass with amendment. Senator MacDonald for the committee.

5571B

Amendment to SB 761-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court hereby declares that the purpose of this act is to improve the economy of the state, that rail freight service is indispensable to certain areas of the state, there is a need to provide and maintain an efficient and viable short line railroad network for New Hampshire class III railroads and state-owned rail lines, there is a need to keep class III railroad lines in the private sector by utilizing qualified short line operators, and that there is a need to provide state funds for local rail assistance to maintain the short line railroads.

2 Class III Railroad and State-Owned Rail Line Capital Rehabilitation Account. Notwithstanding any provision of law, there is hereby established the class III railroad and state-owned rail line rehabilitation account. Funds in this account shall be spent on rehabilitating the class III railroad lines that are included in the New Hampshire state rail plan as updated and

which meet the requirements of the benefit/cost analysis as prepared by department of transportation, bureau of railroads and public transportation, or on rehabilitating state-owned rail lines approved for rehabilitation by the bureau.

3 Appropriation. The sum of \$2,500,000 is hereby appropriated, in addition to any other sums appropriated, to the department of transportation, bureau of railroads and public transportation to be deposited in the class III railroad and state-owned rail line capital rehabilitation account for the fiscal year ending June 30, 1995, for the purpose of rehabilitating rail lines of class III railroads and state-owned rail lines. This appropriation shall be nonlapsing and continuing and shall be subject to RSA 228:66.

4 Bonds Authorized. To provide for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding \$2,500,000 for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payment of principal and interest of the bonds and notes shall be made as provided in section 5. The bonds shall be 10-year bonds.

5 Payment of Bonds. Notwithstanding any other provision of law, moneys received by the state pursuant to RSA 82:31, III shall be designated for the payment of principal and interest of the bonds and notes issued pursuant to section 4 of this act. Such designation shall lapse upon completion of payment of such bonds and notes.

6 Rehabilitation of Rail Lines; Matching Funds for State Funds. Amend RSA 228:66, I to read as follows:

I. All state funds shall be matched by the owner, shipper, or user in cash, labor, or materials in an amount equal to [20] **30** percent of the total amount provided. All federal funds shall be matched by the owner, shipper or user in cash, labor, or materials in an amount equal to the percentage established by the Federal Railroad Administration of the total amount provided for the particular project.

7 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill appropriates funds to the department of transportation, bureau of railroads and public transportation, to rehabilitate the rail lines of class III railroads and state-owned rail lines. Moneys received by the state from the taxation of railroads shall be designated for the payment of bonds and notes authorized under this bill.

The bill also increases from 20 to 30 percent the amount of matching funds which owners, shippers or users must provide to receive state funds for rehabilitation and maintenance of rail properties.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 766-A, an act making a capital appropriation to the department of transportation for the installation of sidewalks on U.S. Route 3 in Weirs Beach. Capital Budget Committee. Ought to pass with amendment. Senator Shaheen for the committee.

5639B

Amendment to SB 766-A

Amend the title of the bill by replacing it with the following:

AN ACT

making an appropriation to the department of transportation for the construction of sidewalks in the Weirs Beach area.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sum of \$1 is hereby appropriated to the department of transportation, for the fiscal year ending June 30, 1995, for the purpose of constructing sidewalks in the Weirs Beach area in the city of Laconia. Such appropriation shall be a charge against the highway fund.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill appropriates funds to the department of transportation for the construction of sidewalks in the Weirs Beach area.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 801-A, increasing the department of transportation's authority to obtain certain bonds from 5-year bonds to 10-year bonds. Capital Budget Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 806, an act relative to a capital appropriation for repair and restoration of the state house. Capital Budget Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 547-FN-A, an act authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor. Finance Executive Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 619-FN, an act relative to a cost of living adjustment for retired firefighters. Finance Executive Committee. Ought to pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 625-FN-A, an act relative to an in-home care pilot program and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator McLane for the committee.

5430B

Amendment to SB 625-FN-A

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$75,000 for the fiscal year ending June 30, 1995, to the division of elderly and adult services, department of health and human services, for the purposes of implementing the pilot program established in section 2 of this act. This appropriation is in addition to any other sums appropriated to the division of elderly and adult services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 631-FN-A, an act relative to an integrated computer network within the department of education, and making an appropriation therefor. Finance Executive Committee. Inexpedient to legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 632-FN-A, an act establishing a pilot program to disseminate from the Pease International Trade Center trade information to promote international trade and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator W. King for the committee.

5691B

Amendment to SB 632-FN-A

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of resources and economic development for the purposes of implementing the pilot program established in section 1 of this act. This appropriation is in addition to any other sums appropriated to the department of resources and economic development. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

SENATOR W. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 643-FN-A, an act relative to examining the feasibility of building a civic/exposition center in Manchester and making an appropriation therefor. Executive Finance Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5585B

Amendment to SB 643-FN-A

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$50,000 is hereby appropriated to the Manchester city coordinator and the Manchester community improvement program, for the biennium ending June 30, 1995, for the purposes of determining the feasibility of establishing a civic/exposition center in Manchester. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. Any funds up to the amount of \$50,000 raised from private sources for the purposes of this section shall be deposited with the state treasurer to offset this appropriation.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 650-FN-A, an act establishing a lead base substance abatement fund and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator Shaheen for the committee.

5570B

Amendment to SB 650-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund.

Amend the bill by replacing all after section 2 with the following:

3 Funding. In addition to bonds and notes authorized under RSA204-C:28, the New Hampshire housing finance authority shall issue bonds and notes in an amount up to \$1,000,000 to finance the start-up costs of the lead base substance abatement fund established in section 2 of this act. Such notes and bonds shall constitute general obligations of the authority, subject only to any agreements with the holders of the particular bonds and notes.

4 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes a lead base substance abatement fund to be administered by the New Hampshire housing finance authority. The fund is to be used to assist owners of rental property which is primarily occupied by low-income tenants when such owners are required to undertake lead abatement activities.

The bill requires the New Hampshire housing finance authority to issue bonds and notes for the start-up costs of the fund. Such bonds shall be general obligation bonds of the authority.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 669-FN-LOCAL, an act relative to creditable service under the retirement system for time during which a person is receiving workers' compensation. Finance Executive Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 671-FN-A, an act negating the repeal of tax credits against the business profits tax and the investment tax credit. Finance Executive Committee. Ought to pass with amendment. Senator McLane for the committee.

5680B

Amendment to SB 671-FN-A

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 and 2 to read as 2 and 3, respectively:

1 Application of Investment Tax Credit. Amend RSA 162-L:8, I-a to read as follows:

I-a. Credits provided by this section applied against the liabilities imposed by RSA 400-A and RSA 77-E shall be deemed to be taxes paid for the purpose of RSA 77-A:5, III and [IX] X, respectively.

AMENDED ANALYSIS

This bill negates the repeal of the investment tax credit against the business profits tax and the repeal of the community development finance authority's investment tax credit, so that these repeals do not take effect.

The bill also makes a technical correction to the application of the investment tax credit.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Senator Colantuono in opposition to SB 671.

SB 672-FN, an act requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings. Finance Executive Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 673-FN, an act generally amending certain provisions relating to domestic violence. Finance Executive Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 682, an act relative to the composition of the nuclear decommissioning financing committees. Finance Executive committee. Inexpedient to legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 697-FN-A, an act relative to the New Hampshire Industrial Research Center and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator W. King for the committee.

5493B

Amendment to SB 697-FN-A

Amend the bill by replacing section 6 with the following:

6 Appropriation; 2 Field Agents. The sum of \$150,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the industrial research center at the university of New Hampshire for the purpose of hiring 2 field agents who shall work under the direction of the center. The funds in this appropriation shall not be transferred or expended for any purposes other than the field agents' salaries, benefits, and associated expenses and shall not require matching funds. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill:

- (1) Changes the title of the center from "Industrial Technology Research and Innovation Center" to "Industrial Research Center."
- (2) Allows the center to provide grant-related services.
- (3) Redefines "basic research" as "basic scientific, engineering, and associated marketing research."
- (4) Allows short-term activities without requiring matching funds.
- (5) Makes an appropriation to hire 2 field agents.

SENATOR W. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 701-FN-A-LOCAL, an act relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee. Finance Executive Committee. Ought to pass with amendment. Senator Colantuono for the committee.

5433B

Amendment to SB 701-FN-A-LOCAL

Amend the bill by replacing section 1 with the following:

1 Appropriation; Report.

I. The sum of up to \$10,000 is hereby appropriated to the Lakes Region Planning Commission for the biennium ending June 30, 1995, to examine and review the feasibility of locating a conference complex in the lakes region. The appropriation made pursuant to this section of this act shall not be available until the Lakes Region Planning Commission has raised from other funds all but \$10,000 necessary for the study. The commission shall have until July 1, 1994, to certify to the state treasurer the amount of funds raised. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The Lakes Region Planning Commission shall make a report with its findings and recommendations relative to the feasibility study conducted under paragraph I to the governor, the speaker of the house, and the president of the senate on or before November 1, 1994.

AMENDED ANALYSIS

This bill makes an appropriation to the Lakes Region Planning Commission for the biennium ending June 30, 1995, for the purposes of determining the feasibility of establishing a conference center in the lakes region. The appropriation shall not be available to the commission until it raises all but \$10,000 necessary for the study. The bill requires the Lakes Region Planning Commission to make a report to the governor, the speaker of the house, and the president of the senate relative to its study on or before November 1, 1994.

The bill also extends the committee established in 1993, 228 until November, 1994.

This bill resulted from the committee established in 1993, 228.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 702-FN-A, an act relative to congregate housing and making an appropriation therefor. Finance Executive Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 703-FN, an act creating a university system research development fund. Finance Executive Committee. Ought to pass with amendment. Senator Shaheen for the committee.

5666B

Amendment to SB 703-FN

Amend RSA 187-A:38 as inserted by section 2 of the bill by replacing it with the following:

187-A:38 University System Research Development Fund. There is hereby established a university system research development fund to challenge the university system of New Hampshire's research community to continue its aggressive pursuit of external funds for research. The state shall contribute to the fund \$.05 for each dollar acquired by the university system from external sources for research funding of the university system. The state funds shall be provided in each year of the biennial budget, beginning with fiscal years 1996 and 1997, based upon the external research funding received in the 2 most recent fiscal years prior to October 1 of the year in which a biennial budget is prepared. The money in the fund shall be available to the board of trustees of the university system, and shall be distributed to the campuses in proportion to the percentages of external research funds each generates, for the purposes of creating packages of grant and contract matching funds and infrastructure maintenance support funds, including the purchase, maintenance and repair of research instruments and the provision of technicians, including graduate students,

to operate such instruments. The state contribution shall be increased by \$.01 per biennium until it reaches \$.10 for each dollar of external research funds. The board of trustees of the university system shall certify to the commissioner of administrative services the amount of external funds raised in the 2 prior fiscal years on or before October 1, of the fiscal year in which a biennial budget is constructed.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 711, an act relative to small employer and individual insurance. Finance Executive Committee. Ought to pass with amendment. Senator Shaheen for the committee.

5689B

Amendment to SB 711

Amend RSA 420-G:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Individual health insurance policy" means an insurance policy issued by a carrier under title XXXVII of the Revised Statutes Annotated, issued directly to an individual and not on a group or group remittance basis. This chapter does not affect policies covering any one of the following: long term care benefits, nursing home benefits, home care benefits, dental or vision care services, hospital or surgical indemnity benefits with specific dollar amounts, accident only indemnity benefits, accidental death and dismemberment benefits, prescription drug benefits, or disability income benefits, specified disease benefits, or short-term, individual, nonrenewable medical, hospital or major medical policies. For the purposes of this chapter, franchise insurance as defined in RSA 415:19 shall be considered individual health insurance.

Amend RSA 420-G:2, as inserted by section 1 of the bill by inserting after paragraph VIII the following and renumbering paragraphs IX and X to read as X and XI, respectively:

IX. "Qualified association trust or other entity" means an association established trust or other entity in existence on January 1, 1995 and providing health benefit plans covering at least 1,000 employees and /or the dependents of association members, which association:

(a) Was established and maintained for purposes other than the provision of health insurance plans;

(b) Was in existence for at least 10 years prior to January 1, 1995; and

(c) Conducts regular meetings designed to further the interests of its members.

Amend RSA 420-G:2, X as inserted by section 1 of the bill by replacing it with the following:

X. "Small employer" means a business or organization which employs one and up to 100 employees, including owners and self-employed persons. A small employer is subject to this chapter whether or not it becomes a part of an association, multi-employer plan, trust or any other entity as cited in RSA 420-G:9 provided it meets this definition. Small employer does not include an employer participating in a pooled risk management program meeting the standards of RSA 5-B or an employer providing benefits through a qualified association trust or other entity as defined in RSA 420-G:2, IX.

Amend RSA 420-G:4, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) All premiums charged to either individuals or small employers shall be solely based on a community rating basis and shall be guaranteed for at least 6 months.

(1) Community rating shall be set by each carrier as the single average premium computed for each month or quarter for each membership type (including single, 2 person, and family) with no modification for gender, geographical location, occupation, health status, individual and/or group claims experience or duration of coverage.

(2) Carriers may modify such average premium for age only in accordance with the following limitations:

(A) During the first calendar year that this chapter is in effect the maximum premium differential for age as determined by ratio shall be 4 to 1;

(B) During the second calendar year that this chapter is in effect such maximum premium differential shall be 3 to 1;

(C) During the third calendar year and all subsequent years that this chapter is in effect such maximum premium differential shall be 2 to 1.

(3) Carriers modifying such average premium for age may do so only by using the following age brackets.

0-24
25-34
35-44
45-54
55-64
65+

(4) Upon the renewal of an individual or small group policy a carrier is prohibited from increasing the premium rate by more than 25 percent of the rate which applied in the preceeding year. Such rate increase limitation shall not include any premium rate increase which is based on a carriers annual cost and utilization trends; changes in the number of covered members in the group; or changes in group composition due to members moving to a different age bracket. This subparagraph shall expire on January 1, 2000.

(5) The same rating methodology shall apply to individuals or new groups and to individuals renewing and groups renewing at each annual renewal date or anniversary date. There shall be no adjustments in the form of new group discounts, rebates, anticipated refunds, experience, or tier or durational factors or any other factor which affects an individual's or small employer's rate. Rating methodology shall not be construed to include carrier incentives to individual subscribers or members to participate in wellness and fitness programs provided such incentives are approved by the insurance department.

(6) The only other modification to be allowed in community rating will be that component of the administrative fees which reflects the cost of doing business with different group sizes. The commissioner shall not approve any filing if such filing is excessive, inadequate or contrary to the intent of this chapter.

Amend RSA 420-G:4, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A carrier, when calculating the participation percentage, shall not consider employees who have coverage under another health insurance plan or health benefits plan sponsored by the same employer.

Amend RSA 420-G as inserted by section 1 of the bill by inserting after section 4 the following and renumbering sections 5-11 to read as 6-12, respectively:

420-G:5 Qualified Association Trust or Other Entity. A qualified association trust or other entity as defined in RSA 420-G:2, IX shall:

I. Use the community rating methodology outlined in RSA 420-G:4, I(a)(1)-(6) for all small employer members with 100 or fewer employees based upon the associations group experience;

II. Offer all eligible members as defined under the applicable trust or other documents, coverage and rate on a guaranteed issue and renewability basis;

III. Comply with the prohibitions concerning medical underwriting contained in RSA 420-G:4, I(b)(1)-(6), and

IV. Comply with the pre-existing conditions provisions of RSA 420-G:4, II.

Amend RSA 420-G:10 as inserted by section 1 of the bill by replacing it with the following:

420-G:10 Applicability; Carriers. This chapter shall apply to any entity licensed, controlled or regulated by RSA 415, RSA 415-E, RSA 419, RSA 420, RSA 420-A, RSA 420-B or RSA 420-C which offers or provides individual or small employer health insurance plans or health benefits plans for delivery in this state. This chapter shall also apply to any multi-employer plan, trust, association, claims administrator, claims paying agent or any other entity whether fully insured, partially insured, or self-funded which offers or provides individual or small employer health insurance plans or health benefits plans for delivery in this state. This chapter shall not apply to pooled risk management programs which meet the standards established by RSA 5-B.

Amend the bill by replacing all after section 1 with the following:

2 Commissioner's Report. The insurance commissioner shall issue a report to the governor, the senate president and the speaker of the house regarding the implementation of the community rating system no later than January 1, 1998. The report shall include the affect of community rating on premiums, the availability of insurance and the uninsured population in the state.

3 Effective Date. This act shall take effect January 1, 1995.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 723-FN-LOCAL, an act expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns. Finance Executive Committee. Ought to pass. Senator W. King for the committee.

SENATOR W. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 730-FN, an act relative to funding for low income and financially disadvantaged utility assistance programs. Finance Executive Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 732-FN, an act establishing the position of substance abuse statistics coordinator. Finance Executive Committee. Interim study. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of interim study.

Committee report of Interim Study is adopted.

SB 735, an act allowing political subdivisions to impose an interest charge on certain delinquent state obligations. Finance Executive Committee. Inexpedient to legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 739-FN, an act relative to the retirement group classification of investigators in the department of justice and relative to the powers of such investigators. Interim study. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of interim study.

Committee report of Interim Study is adopted.

SB 743-FN, an act relative to insurance coverage for children. Finance Executive Committee. Ought to pass. Senator W. King for the committee.

SENATOR W. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 744-FN, an act to extend medical and surgical benefits to the disabled children of retirees. Finance Executive Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5679B

Amendment to SB 744-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study providing health insurance to the dependents of retired state employees.

Amend the bill by replacing all after the enacting clause with the following:
1 Committee Established. A committee is established to study providing health insurance to the dependents of retired state employees.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members appointed by the governor.

(b) Two members of the senate, appointed by the president of the senate.

(c) Two members of the house of representatives, appointed by the speaker of the house.

(d) One member appointed by the New Hampshire retirement system board of trustees.

(e) One member appointed by the State Employees Association, Inc.

II. Members of the committee shall not be compensated; however, legislative members shall receive mileage at the legislative rate.

3 Duties.

I. The committee shall have the authority to study all aspects of providing health insurance to the dependents of retired state employees.

II. The committee shall have full power and authority to require from the several state departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it may deem necessary.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this act. Five members of the committee shall constitute a quorum.

5 Report. The committee shall report the results of its study, including its findings and recommendations and any proposed legislation, to the governor, the senate president, and the speaker of the house of representatives no later than November 1, 1994, for submission in the 1995 legislative session.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study providing health insurance to the dependents of retired state employees.

The committee must file its report, together with any proposed legislation, no later than November 1, 1994.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 757-FN-A, an act relative to an education tax credit against the business profits tax. Finance Executive Committee. Ought to pass with amendment. Senator W. King for the committee.

5696B

Amendment to SB 757-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Business Related Education Credit. Amend RSA 77-A:5 by inserting after paragraph X the following new paragraph:

XI. There shall be allowed a business-related education tax credit equal to 15 percent of the cost of tuition paid to accredited institutions by employers for the education or training of its employees. In no event shall the credit allowable under this paragraph exceed 5 percent of the tax due under this chapter before any credits under RSA 77-A:5 are taken into account. For the purposes of this paragraph "eligible employees" means those individuals employed by a business organization who, as of the last day of the applicable tax year, have been employed by such business organization for at least 6 consecutive months and perform all but an incidental portion of services at a location or locations within the state.

2 Effective Date. This act shall take effect July 1, 1994, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1994.

AMENDED ANALYSIS

This bill allows a credit against the business profits tax equal to 15 percent of the cost of tuition paid to accredited institutions by employers for the education or training of eligible employees. The credit is limited to 5 percent of the total tax due.

SENATOR W. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Senator Colantuono in opposition to SB 757.

SB 759-FN-A, an act relative to child support and making an appropriation therefor. Finance Executive Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 767-FN, an act relative to mental illness coverage under insurance policies. Finance Executive Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

SB 771-FN-A, an act relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator Colantuono for the committee.

5681B

Amendment to SB 771-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases.

Amend the bill by replacing all after the enacting clause with the following:

1 Additional Training For Police, Prosecutors and Correctional Personnel.

I. The director of the police standards and training council shall offer additional training in the prevention, investigation, and prosecution of sexual assault cases recommended by the law enforcement and prosecutor training task force established under 1992, 110 as amended by 1993, 166.

II. The training shall include at least 6 regional sessions and any additional sessions or delivery methods which the director deems appropriate, to be held within one year of the effective date of this act.

III. On or before December 1, 1994, and on or before December 1, 1995, the director shall report to the chairpersons of the house corrections and criminal justice committee and the senate judiciary committee on the number and type of training sessions provided in the previous year and the attendance at such sessions.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the director of the police standards and training council to offer additional training of police, prosecutors and correctional personnel in the prevention, investigation and prosecution of sexual assault cases as recommended by the law enforcement and prosecutor training task force established under 1992, 110 as amended by 1993, 166.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

SB 779-FN, an act revising the composition of the health services planning and review board and requiring the development of a state health plan. Finance Executive Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

Senators Colantuono and Wheeler in opposition to SB 779.

SB 792-A, an act relative to the Pease International Tradeport and increasing the bonding authority of the Pease development authority. Finance Executive Committee. Ought to pass with amendment. Senator Shaheen for the committee.

5506B

Amendment to SB 792-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport.

Amend RSA 12-G:27, I as inserted by section 1 of the bill by replacing it with following:

I. In view of the general public benefits expected to be derived from the property acquisitions and projects to be financed under this chapter, and their contribution to the social and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this subdivision. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of

the principal of bonds guaranteed by the state under this section shall not exceed [\$50,000,000] **\$110,000,000**, plus interest. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

Amend RSA 12-G:27-b as inserted by section 2 of the bill by replacing it with the following:

12-G:27-b Comprehensive Development Plan Required. Notwithstanding any other provision of law, the issuance of bonds under 12-G:27, III, in excess of \$50,000,000, shall be subject to approval by the fiscal committee of a comprehensive development plan for the Pease International Tradeport prepared and submitted by the Pease development authority. This comprehensive development plan shall include the designation and delineation of a research district within the bounds of the Pease International Tradeport.

Amend the bill by replacing section 3 with the following:

3 Pease Matching Grants Appropriation. There is hereby appropriated to the Pease International Tradeport the sum of \$5,000,000 for the purposes of matching \$9,000,000 of FAA grants and \$12,000,000 of EDA grants. This sum shall be in addition to any other sums that may be appropriated to the tradeport and shall be nonlapsing.

4 Pease Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$5,000,000 and for said purpose may issue general obligation bonds or notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill increases the bonding authority of the Pease development authority. However, if the increase is used, it is subject to the approval of the fiscal committee.

Certain bond proceeds must be used for matching public and private funds for the development of the research district at Pease International Tradeport.

The bill also makes a matching grants appropriation to Pease International Tradeport and authorizes the issuance of bonds for such appropriation.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 576-FN-A, an act relative to the taxation of meals. Ways and Means Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5667B

Amendment to HB 576-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

allowing Rockingham Park to avoid increased tax rates for 1995, 1996 and 1997 to repay the state for contributions to the purse fund by making a lump sum payment to the state.

Amend the bill by replacing all after the enacting clause with the following:

1 Extending Period of Applicability. Amend the introductory paragraph of RSA 284:22 to read as follows: During the calendar years of 1941-[1999] **2009**, a licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a, and not elsewhere. RSA 284:23 shall apply to the type of race on which wagers are made, whether live or simulcast.

2 Breakage to be Paid the State in Certain Circumstances. Amend RSA 284:22, I to read as follows:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the commission and, in the absence of written notice, at the rate of 26 percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10 (except, with simulcast wagering, in cases where the licensee pays out more than the total amount in the pool, the lowest multiple of 5 shall be used), known as "breakage", shall be retained by the licensee, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. ***During the calendar years 1995, 1996, and 1997, 3/4 of the breakage shall be paid to the state and 1/4 of the breakage shall be retained by the licensee, unless the payment by the licensee set forth in RSA 284:23, I(b) is made to the state. In such event, 1/2 of the breakage shall be retained by the licensee and 1/2 of the breakage shall be paid to the state.*** Each licensee shall pay the tax provided for in RSA 284:23. [During the calendar years 1987 and 1988 only, the licensee shall add to said purse fund 3/4 of one percent of all pari-mutuel pools at tracks or race meets at which running horse races are conducted, and the state shall add to said purse fund the residual unclaimed thoroughbred pari-mutuel ticket fund left after one year under RSA 284:31 plus 1/2 of the breakage received by the state under this section and 1/2 of the tax received by the state under RSA 284:23, I; during the calendar years 1995, 1996, and 1997, only 3/4 of said breakage shall be paid to the state and 1/4 to the licensee. Said 1/2 of the tax received by the state under RSA 284:23 and added to said purse fund under the provisions of this section shall not annually exceed \$1,000,000 for each of the calendar years 1987 and 1988.]

3 Adding References. Amend RSA 284:23, I(a) to read as follows:

I.(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all win, place and show pari-mutuel pools, and a sum of money equal to 2 percent of the total contributions to all other pari-mutuel pools conducted, made or sold at any such race or meet licensed hereunder, except that during calendar years 1995, 1996 and 1997 only, the tax on such win, place and show pools shall be 1-1/2 percent and the tax on all other

pools shall be 3 percent. The amount so paid to the state treasurer shall be distributed in accordance with the provisions of RSA284:2. The payment of the increased tax for the years 1995, 1996, and 1997 to reimburse the state for its contribution to the purse fund [under RSA284:22, I] ***in calendar years 1986, 1987, and 1988*** shall be secured under the same terms and conditions as the subordinated revenue bonds issued by the industrial development authority dated December 23, 1983, after said bonds have been paid, except that the rights of the state shall be subordinate to the rights of the industrial development authority and the bondholders. ***Subject to the provisions of RSA 284:23, I(b)***, any release of the state as a lien creditor shall be subject to the prior approval of the fiscal committee and with the approval of governor and council.

4 Lump Sum Repayment of Contribution in Lieu of Increased Taxes. RSA284:23, I(b) is repealed and reenacted to read as follows:

(b) In the event that the licensee authorized to conduct running horse races at Rockingham Park in Salem, New Hampshire, tenders the sum of \$3,260,000 to the state treasurer, the increase in the tax rates for calendar years 1995, 1996, and 1997 shall be of no force and effect and the tax rate for such years shall be at the rate of one percent on all win, place and show pools and 2 percent on all other pools. Such payment shall be in the amount of \$3,260,000 in immediately available funds of the United States of America. Upon receipt of such funds, the state treasurer shall execute and immediately deliver a release of the lien created under RSA 284:23, I(a) and shall notify the fiscal committee and the governor and council that the payment has been received. The release shall be in the form as follows:

RELEASE OF LIEN CREATED UNDER RSA 284:23, I(a)

I, _____, treasurer of the state of New Hampshire, hereby acknowledge receipt of the sum of \$3,260,000 in immediately available funds of the United States of America from _____, the entity licensed to conduct running horse races at Rockingham Park in Salem, New Hampshire. Pursuant to the power vested in me pursuant to N.H.RSA284:23, I(b) as treasurer of the state of New Hampshire, I hereby release the lien granted to the state of New Hampshire pursuant to N.H.RSA284:23, I(a).

Dated in Concord, New Hampshire this ____ day of _____, 19____.

ATTEST:

Secretary of State for the
State of New Hampshire

Treasurer for the
State of New Hampshire

5 Tax Rate for Rockingham Park. Amend RSA 284:23, VII to read as follows:

VII. The tax rates established by paragraphs I and II of this section shall remain in effect only until the bonds obtained by any entity for the reconstruction of Rockingham Park have been paid off, [but the time these rates shall remain in effect shall not exceed 15 years from the date of the issuance of said bonds] ***unless such bonds are refinanced by the entity which owns Rockingham Park, and in such latter event, until such refinancing is paid off, but in no event later than December 31, 2009.***

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows Rockingham Park to avoid increased tax rates for 1995, 1996, and 1997 to repay the state for contributions to the purse fund by making a lump sum payment to the state.

SENATOR HOLLINGWORTH: HB 576 is a bill that I co sponsored to deal with items that are purchased in a grocery store. Those single items that are now taxed. You will no longer see anything to do with that piece of legislation in this bill. The bill has been totally amended and the amendment is the new bill. The possibility of resolving the problems with purchased bakery goods is under discussion. The committee has agreed that in the event that we should find a solution, it would have to find a new home. But we needed to have a vehicle because we had an important issue that came before us in Ways and Means, that would allow the Rockingham Park to repay us a great deal of money. And any time, as you know, I like money. I was more than happy to allow my bill to be set aside to allow this to become the vehicle. In 1986 we authorized the state to supplement the purses at Rockingham Park for three years. The track agreed to an increase to the Pari-Mutuel Tax and the state share of breakage in 1995, 1996 and 1997. What we didn't do is to give a mechanism for the track to pay us back early and they would like to do that now. What they need to do is have us pass this piece of legislation so that the track may refinance for \$3,260,000 and that way they will be able to pay the lien back to the state of New Hampshire, now. All that it will do is to extend the current tax through the year 2009. But we will have the advantage of being paid off early. I think that this is an important piece of legislation and I hope that you will support it.

SENATOR MACDONALD: I am afraid that what we are talking about is something I did when I was Chairman of the Revenue. The track was having trouble. We agreed that for so many years that they would pay a certain level. So you might say that we have got my office, down in the cafeteria, I met with the track and a couple of other people, and on a napkin, I figured out a way that would lower it say for a certain number of years, but then after those years, it would basically go up to what it was and then go higher. And at that time and place, it seemed like a good way to do it. To be sure that we are doing it right, the Appropriations put a lien on the whole establishment. Right now, they feel that they would be better off to pay it off, what they owe us for that period of time that they were supposed to pay us a higher rate. I remember that well when I was sitting down there with the lawyers and stuff, with the napkin and a cup of coffee.

Amendment adopted.

Ordered to third reading.

HB 1336, an act relative to services which certain liquor licensees may perform with regard to beverage stocking and displays. Ways and Means Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

Recess.

Out of recess.

SB 772, an act authorizing involuntary civil commitment for certain individuals and making an appropriation therefor. Appropriations Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5308B

Amendment to SB 772-FN

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing involuntary civil commitment for certain individuals and making an appropriation therefor and relative to renovating a building at Laconia developmental services and making an appropriation therefor.

Amend the bill by replacing all after section 11 with the following:

12 Appropriation.

I. The sum of \$44,232 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of corrections for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$252,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the division of mental health and developmental services, department of health and human services, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Appropriation; Laconia Developmental Services. The sum of \$200,000 is appropriated to the division of mental health and developmental services for the renovation of a building at Laconia developmental services to serve as a receiving facility for involuntary admissions under RSA 171-B.

14 Bonds Authorized. To provide funds for the appropriation made in section 13 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$200,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund. The bonds shall be 5-year bonds.

15 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill establishes a procedure to be used for involuntary civil commitment for persons charged with serious felonies who have mental retardation and who are found to be incompetent to stand trial.

The bill makes appropriations for the purposes of the bill and for renovation of a building at Laconia developmental services.

SENATOR HOLLINGWORTH: SB 772 is a bill establishing procedures for involuntary commitment of persons charged with serious felonies who are developmentally disabled and found incompetent to stand trial. The bill as it came from the policy committee contained an appropriation of \$44,232. The Appropriations Committee had voted on February 28, a unanimous vote, on an amendment that you see on page 11. That amendment would have appropriated the sum that was found in the fiscal note. I would ask at this time, after reconsideration, the committee met this morning at 8:45 a.m. and we would like to ask you to vote down the amendment that you see before you in the calendar, and we will be presenting to you, a floor amendment. That floor amendment allows appropriations to be continually funded, but does not put dollar numbers into the bill. It would go to the Fiscal Committee and the Governor and Council. We would ask that you would support that floor amendment. The committee had a very difficult time in that decision. I would not say that it was unanimous, but I would say that it was the majority vote.

SENATOR SHAHEEN: Senator Hollingworth, can you just tell me if the figures that appear in the amendment on page 11 are accurate and do we expect that SB 772 is going to cost the amount of money that appears in that appropriation?

SENATOR HOLLINGWORTH: The numbers that appear in the appropriation are the commitment if they are committed to Laconia for the repairs. But after talking to the Department, they believe that the replacement may be elsewhere in the state; and therefore, the appropriations for capital expenditures may not be that number. They will certainly need dollars for that. Secondly, the bill is pushed forward so that it doesn't start for six months, so it could see some reduction for the six months if the program doesn't start until later. But, yes, those numbers are significant and they are, in fact, the Department says that it will be about \$190 a day per person who is committed. They believe that in the first year there will be six and then perhaps six more, but they are not sure exactly how many, but those numbers are the correct numbers.

Amendment failed.

Senator Hollingworth offered a floor amendment.

5708B

Floor Amendment to SB 772-FN

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing involuntary civil commitment for certain individuals
and making appropriations therefor.

Amend RSA 171-B:12 as inserted by section 9 of the bill by replacing it with the following:

171-B:12 Order of Court; Continual Appropriation.

I. If, after the hearing, the court finds by clear and convincing evidence that the person has mental retardation and has a condition or behavior as a result of which such person poses a potentially serious likelihood of danger to others or a potentially serious threat of substantial damage to real property, the court shall order the person to submit to:

(a) Treatment and services in a receiving facility within the state developmental services delivery system;

(b) Treatment and services in the secure psychiatric unit; or

(c) Treatment and services within the state developmental services delivery system other than in-patient treatment.

II. Such funds as are required to comply with RSA 171-B:12, I(a) and (c) are hereby appropriated, subject to the prior approval of the fiscal committee and the governor and council. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

SENATOR HOLLINGWORTH: The floor amendment is as I stated. The money is continually appropriated to fund the civil commitment for certain individuals who are found incompetent to stand trial. The department would then have to request and then the request would go before the Fiscal committee and if the Fiscal were to approve it, then it would go to the Governor and Council. It would then be drawn on whatever their funds that are there to fund that program.

Floor amendment adopted.

Ordered to third reading.

SB 794-A, an act making a capital appropriation for highway transportation infrastructure. Capital Budget Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: SB 794 appropriates \$28 million in construction and reconstruction of the state highway and bridges. This bill allows DOT to spend up to \$7 million each fiscal year, starting this July. SB 794 requires legislature oversight. That will be done by the Capital Budget OverView committee before any money can be spent. This money is intended only for non federal highways. There is sufficient revenue in the Highway Fund to carry the bond. The State Treasurer's report of December 1993 reports on the Highway Fund Debt Service shows the current debt service costs are only three percent of the Highway Funds revenue. The projections through 1998 are under three percent. This gives the commissioner the right to set up other projects with approval of the committee that are not included in the 10-year Highway Plan. In other words, what we are talking about is the secondary roads in the state of New Hampshire. They are getting to be a problem, a great problem. I am not saying that spending \$28 million over four years is going to solve the problem, but I think that it is about time. I know that the governor has common sense because he is like I am, a common sense conservative. I think that he understands the problem. I don't think that he likes the large amount of bonding, but I think that as it goes through the process, there will be a way found to help these situations out there on the secondary roads because they are getting worse. Most of you have the turnpikes that come riding into Concord, but there are other roads besides turnpikes. I know that right now, I wish that on route 28 coming to Barnstead, we had a little money to fix that up. That is like flying an airplane. You don't know if you're going to get there or not. But, I have all of the figures if anyone has any questions. In the present form, I would say that the Governor opposes it, but I feel that knowing him, he knows the problem, of going through the process, he would be more than willing to work on the bill when it gets over to the House and find a solution to take care of the problems out in these roads. I will answer any questions.

SENATOR WHEELER: Senator MacDonald, can you tell me the length of these bonds for this project?

SENATOR MACDONALD: I believe that it is ten years. Oh, I am sorry, you missed the meeting that we had in review of the Capital Budget. We had the treasurer come in there and go through the whole thing. I believe that most of them are ten years.

SENATOR WHEELER: Oh, yes, I believe that was when I was sick. Further question. What types of projects would be done with this? Would this be resurfacing? Would a majority of these projects be resurfacing?

SENATOR MACDONALD: It would be resurfacing and new construction. It depends of what kind of work that you are going to do and how much it is going to cost per mile. Certain work, eight to nine thousand dollars a mile, you could go up to \$60 thousand a mile. But we are not talking that type of work on these secondary roads.

SENATOR WHEELER: Senator MacDonald, do you think that it makes good fiscal sense to be taking out ten year bonds on projects of resurfacing where the useful life of the items that you are spending the money on is less than ten years?

SENATOR MACDONALD: What I have here is that most of them would be good for seven to eight years. And then percentage-wise, some of the work that was done on some of these secondary roads was done probably 20 years

ago. I think that it is about time that we take a chance. I think that we can make it last ten years. If you want to go ten years down the road, that would be about 2003. The percentage right there of the Highway Fund, the debt service would be 1.50. In other words, what has happened is that we have done very little with highway bonds since 1985 or 1986, so our percentages are way down. If the percentage said six or seven here, I would say no, but right now, we have good rates and we should do it. I don't think that we will be spending that much money, but I think that we have got to start somewhere. We start at \$28 million, \$7 million a year and then go from there. We have to find a plan to do it. I feel, about the governor, that he will be right there to help us, he may not like the \$28 million, but I think that he will try to help us to get this thing in the right process.

SENATOR WHEELER: These are Highway Fund Bonds not General Fund Bonds?

SENATOR MACDONALD: These are Highway Fund Bonds.

SENATOR SHAHEEN: Senator MacDonald, as you pointed out, we had our State Treasurer, Georgie Thomas, come in and give a presentation to the Capital Budget Committee, relative to the bonding situation of the state, is that correct?

SENATOR MACDONALD: That is correct.

SENATOR SHAHEEN: I certainly thought that she indicated that the state could afford this appropriation and that it was within the bonding capacity of both the State and the Highway Fund?

SENATOR MACDONALD: That is correct. She did say that.

SENATOR SHAHEEN: Thank you.

SENATOR BARNES: Senator MacDonald, can you tell me what the schedule is and how these secondary roads get on this repair job list?

SENATOR MACDONALD: The Commissioner of Transportation will make a plan, like the 10-year plan. He would then go to the Capital Budget Over View Committee who would review it. I think that also it has to go to the Governor and Council after that. But that would be the process, similar to the 10-Year Highway Plan only not so complicated.

SENATOR BARNES: So if a certain Senator had a problem with his or her secondary roads, who should they go and talk too?

SENATOR MACDONALD: Well, right now, I think probably the commissioner.

SENATOR BARNES: Thank you.

SENATOR MACDONALD: I am not available to handle that, Senator.

SENATOR LOVEJOY: Senator MacDonald, is there a precedent for bonding in this manner for the repair of the current roads?

SENATOR MACDONALD: Before 1985 you had a great more deal of bonding for the Highway Department. But starting back in that period of time, you started getting more federal money. So what is happening is that our general fund, a lot of it is going for the big jobs, like down in Nashua and route 101. So there has been very little money left over to take care of the secondary roads. I think that last year, we did 671 miles. With the money that we got this year, we could only do 343 miles. We ought to at least try and keep it up there, rather than going down. That is going to be half of the work that we did last year to be able to do this year. In other words,

we did a program, like the 10-Year Highway Plan. I hope that it isn't so complicated like Senator Barnes was saying, that different Senators go in and try to change it. But I think that once the commissioner sets it up and it is approved by the Capital Budget OverView Committee and the Governor and Council, then we will have a plan in place which we haven't got now of a constant flow of taking care of this work and not worry about, shove big money up in Conway for the bypass and these other places.

SENATOR LOVEJOY: I guess the question is, is there precedent for this type of bonding for that kind of work? Has it been done before?

SENATOR MACDONALD: I would have to check, but I think history-wise, yes. I am not that old, Senator. Oh, Senator Blaisdell informs me that the answer is yes.

SENATOR COLANTUONO: Senator MacDonald, I have a procedural question. This bill seems to appropriate money in the next four years and I was just wondering if it was allowable for this legislature to bind the next two legislatures for the next three years into making appropriations?

SENATOR MACDONALD: It allows the authorization of bonds for \$28 million. They are only allowed to spend \$7 million each year, the way that the bill is written right now.

SENATOR COLANTUONO: But wouldn't that require further appropriations in each of these next two sessions to complete that?

SENATOR MACDONALD: You would have to ask an expert and I am not an expert on that part there, but I think that there is some bonding for rail roads that happened back 1990 and non lapsing and they just keep on going.

SENATOR SHAHEEN: Actually this is a partial answer to Senator Colantuono's question. I just want to point out that, in fact, I think that there is precedent for this that was set back by John Sununu back in 1985 when he bonded the turnpike expansion out of revenue bonds. And while he used a different form of bonding, he certainly set forward the idea that we could bond long term highway projects in the state and pay them off over a period of time. I think that that is exactly what this bill intends to do. For the same reason, we have not been able to keep up with our secondary roads, given the wear and tear over the years. We have not been able to fund that yearly maintenance out of general fund appropriations, so we need to come up with another source, just as John Sununu in 1985-86 when he did the revenue bonds for turnpike expansion and came up with another way to fund turnpike expansion.

SENATOR BLAISDELL: I rise in support, of course, of what Senator MacDonald is trying to do. I think that it is prudent. To get to Senator Wheeler's question about whether it is prudent to bond these things for ten years? Some of these secondary roads haven't had any kind of work for the last 20 years. Wait until the snow goes away folks. Wait until the snow leaves our roads and you see what has happened to these secondary roads. We have got to address this problem. Every question that has been asked so far, I think, has been answered, as far as it will be non lapsing funds that can be carried forward. Only so much money can be spent each year. But, my God, it is about time that we take care of this. Look what happened to us the last time when HB 25 was vetoed by the governor. We had to go to court and we finally got that money and we were five to six months behind in getting this work done. So now, this is a way of doing it and I commend the committee for doing it this way.

SENATOR COLANTUONO: I would like to speak to the issue of how we do budgeting in this session. We had a budget last year, operating budget and a capital budget, that everyone seemed to be satisfied with and signed off on. And when we came back for this year, I thought from reading newspaper comments and so forth and the talk around the State House that there was a general consensus that there was not going to be a supplemental budget. But we have a calendar full of spending bills today, that if you put them all together, everyone would have to admit, would be a supplemental budget. For that reason, I think that we should be careful about the extra spending that we are doing here, piecemeal. I think that this bill should have either been put in the budget last year for the capital budget or wait until next year and I think that holds true for a lot of these bills that we are passing today or about to debate today. I think that the taxpayers of the state would want us to operate in that manner because we have a biennial budget in this state, we don't have an annual budget. I think that we should wait on this until next year when it can be put in with the whole capital budget.

SENATOR J. KING: I rise in support of this bill. I rise in support, because if you wait and use the same excuse as has just been mentioned, which we have done for the last ten years, it will be another ten years. Then we won't be talking about renewing roads, we will be talking about renewing them and putting new roads in.

Adopted.

Question is on ordering to third reading.

A roll call was requested by Senator Colantuono.

Seconded by Senator Wheeler.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 15 - Nays: 8

Adopted.

Ordered to third reading.

SB 504-FN-A, an act relative to funding for state literacy programs and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator McLane for the committee.

5495B

Amendment to SB 504-FN-A

Amend the bill by replacing section 1 with the following:

1 Appropriation. There is appropriated the sum of \$90,000 for the fiscal year ending June 30, 1995, to the department of education to be used to fund the literacy programs under RSA 189:52 - RSA 189:54. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates money to the department of education to fund the literacy programs under RSA 189:52 - RSA 189:54.

This bill is a request of the department of education.

SENATOR MCLANE: I think that this is an important bill for the Senate to look at and consider. RSA 53 & 54 were passed in 1988. They called for identification of those students going into first grade and dropping out of school who have a literacy problem. The law says that in order to leave school that a sixteen or a seventeen year old, by law, must be literate. RSA 189:53 & 54, call for the state to identify who in this state is illiterate. Obviously, if they are illiterate, it is against the law for them to drop out of school, but they must stay until they are eighteen years old. This law is not being followed. Literally, the Department of Education has almost said, Fish or Cut Bait, if you ain't gonna pay for it, stop telling us that we ought to do it. So the original bill called for \$2.5 million to set up a program to test those sixteen and seventeen year olds that were going to drop out and to test those coming into kindergarten and first grade who might have a reading problem, and therefore, an educational problem. For six years now, we have funded \$90,000 to sort of screen them, but we certainly have not funded a cent to implement it. And so the Appropriations Committee had two choices: (1). Fund it to \$2.5 million. And I would have loved the debate that we would have had, or (2). Go again for the \$90 thousand to keep the two people in place that are trying to at least form a program and face up to this problem in the next year. We did not want to eliminate that ruling, that someone should be literate before they leave high school. So, therefore, we left the bill with \$90 thousand, which is just what we have done for the last five or six years, but it is not facing up to the problem.

SENATOR BARNES: Senator McLane, you mentioned the fact that we have been doing this for five years, the \$90 thousand. I sort of missed as we went along here. What are we getting for our \$450 thousand?

SENATOR MCLANE: Two people within the Department of Education who have funded a literacy skill development program. Perhaps Senator Disnard could answer this more accurately than myself. What we have been doing is sort of figuring out how to administer the program, but not administering it is what I believe is the answer.

SENATOR BARNES: What I am trying to hear you say, would you believe, is that it is doing so well and that it is helping us with this problem that we have out there in the schools? Is it doing that? Please tell me that it is?

SENATOR MCLANE: I would say that it is prepared to do it, but it isn't doing it. That is the problem.

SENATOR BARNES: Then I guess my follow up question is, what do we need to do make it work? I mean, why put \$90 thousand out there, if it isn't going to help us? I want the thing to work. Is it going to take \$100 thousand, what is it going to take to make it work?

SENATOR MCLANE: It is going to take \$2.5 million to do it.

SENATOR BARNES: \$2.5 million.

SENATOR MCLANE: Yes. And what they're doing now, is the screening, but they have no funds to implement the program.

SENATOR BARNES: This screening is identifying the folks that are illiterate?

SENATOR MCLANE: Yes.

SENATOR BARNES: Well that is a plus.

SENATOR MCLANE: They are not doing this with kids coming into school and they are really not doing it with most of the sixteen and seventeen year olds that drop out.

SENATOR BARNES: Well I agree with you, and I also think that it is very important. I would just love you to say, yes, it is going to do some good.

SENATOR MCLANE: It is the perfect example of us kidding ourselves, mandating a program, saying that no child should leave school who can't read, and then not even putting up the money to test them to see if they can read.

SENATOR DISNARD: Senator Barnes, back in 1988, Governor Sununu and some of us were really interested in dropout prevention. Some of us got hit over the head because we tried to look at the drivers license as an issue to try to keep students in school. TAPE INAUDIBLE now junior high is sometimes referred to as a middle school and the high school to help those students who are deficient in certain literary skills. Also, after testing, those who required additional assistance in educational programs, illiteracy, Senator Barnes, would also be trained or educated to their limit of assistance. It is sad today that the Department of Education indicated, and I agree, that if we can't fund the program, let us not lead the people to believe that we have a dropout prevention program when we have nothing. The \$90 thousand helps in a small way for the people in the Department of Education and working with the local school districts of literacy training. What was left out of the presentation was, the Chairman of the Senate Education Committee would agree, not to have a motion to drop the program. A Senator who is not returning next year, and another Senator who I trust and some other people may that may not be here, have said, they would include in next year's budget, and I know that it is next year's budget, \$2.5 million each year to complete the program or drop it. The idea of this \$90 thousand is trying to keep it together as Senator Colantuono pointed out in another situation, at the beginning of a budget cycle.

SENATOR BARNES: Senator, I think that your explanation to me and to the rest of the Senators is that you are strongly in favor of keeping this \$90 thousand there, this year?

SENATOR DISNARD: Yes.

SENATOR LOVEJOY: Senator McLane, I am going to vote in support of your motion to spend this \$90 thousand, because I don't want to be targeted as someone who has voted not to do all that he could to improve education in this state, and not only that, I don't want to do anything that would impede the education of our children of this state. But I will tell you and I will tell the Department of Education, that I do want an accounting and a full accounting, of this \$90 thousand and of the money that has been spent prior to this, and a report, to see how this money has been spent. To see what progress has been made. If, in effect, there has been any good that has come from it at all. If we have been five years, and if we have spent \$90 thousand a year, that is almost a half million dollars already and now we are up to about \$600 thousand and that would buy a lot of computers if we spent it some other way for education. I want to see what has happened. We will be asking for that report if I return to the Senate another term. I do not however, I do not, for the life of me, understand, why in this day and age, with all of our abilities to understand and to teach and how technology is moving ahead in every field, why in the world for the first time in history, we are graduating illiterate students from our high schools? I can't understand that. We are spending more money. We have better qualified teachers. I cannot understand, why in this day and age, we are graduating illiterate students from our high schools. Students who can't read, write or communicate, in a day and age when earning a living demands that they be able to read, write and communicate. I think that if we honestly look at this problem, that we will see that it is deeper than just testing for

illiteracy. I think that we should get on with that investigation and plug the holes in our education system that is requiring students to spend 12 years in school, held captive to a system that isn't working. We are failing those students and we have to stop that. We have to start doing a good job. I don't understand why in the city of Rochester, Senator McLane, I listened to the superintendent of schools, speaking to a business meeting and quoting the chairman of the school board and saying to business and industry, that if you get students that have graduated from our system who can't read and write, send them back and we will retrain them. I can't understand that attitude, so I am going to support this, but I am going to ask for an accounting. I think that we are just at the tip of an iceberg and there have to be corrections made. I certainly think that we should go along with the committee on this.

SENATOR DISNARD: Senator Lovejoy, would you believe, that the program was developed by Governor Sununu, I think that it was in 1988, would have done exactly to a large extent, what you wanted. It started with those youngsters who did have adequate training because of lack of dollars. In Rochester, Claremont, in Berlin, in Raymond and everywhere else, with a good foundation, this would have given it to them, but it would have caught up with those youngsters that were over the earlier grades of one, two and three that worked with those. You would have a better product if we had had this and we would have worked up to the higher grades and we would have been better off.

SENATOR MCLANE: Senator Lovejoy, did you realize that there are 2,000 students a year who drop out of high school between the ages of 17 and 18?

SENATOR LOVEJOY: Yes, Senator, I do realize that. May I just put in a plug for my program at school, the work transition that it is targeting those people, in order to create reasons for them to want to stay in school and want to get an education, that is what we are targeting.

SENATOR MCLANE: Could you spell for me, the word laughing, as it is spelled in Rochester and as you spell it?

SENATOR LOVEJOY: In the sixth grade, and in the note that I saw two days ago, in a student's letter, six grade, it was spelled, laffing. That is the one that I remember, and I thought, what a shame.

Amendment adopted.

Ordered to third reading.

SB 728-FN-A-L, an act providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator Blaisdell for the committee.

5690B

Amendment to SB 728-FN-A-LOCAL

Amend the bill by replacing section 1 with the following:

1 Purpose; Promotion of Kindergarten Education. The general court finds that kindergarten is an important part of a child's education, and that children who have had kindergarten experiences generally have an educational advantage during their later schooling. Most learning materials and curricula for schools presuppose that children have had kindergarten schooling. It is the intention of the general court to promote that by July 1, 1998, all New Hampshire children of suitable age and development shall have access to a publicly-supported kindergarten.

SENATOR BLAISDELL: This is a policy bill that came to us in Senate Finance. The only thing that Senate Finance did, was that the amendment changes the word 'requires' to promotes to avoid a mandate. This was done by Senator Lamirande through the committee. It says that, "It is the intention of the general court to promote that by July 1, 1998, all New Hampshire children of suitable age and development shall have access to a publicly-supported kindergarten." It says 'promotes' it doesn't mandate anything. I don't know what else that we could have done in the committee, but it was done through Senator Lamirande. I will be happy to answer any questions that you might have.

SENATOR COLANTUONO: I believe that there is \$100 thousand appropriation in that, is that correct?

SENATOR LAMIRANDE: Yes.

SENATOR COLANTUONO: I was just curious to know how the mechanism would work that that money would be loaned out and how many kindergarten programs do you expect that that would establish?

SENATOR LAMIRANDE: Well, basically the bill was originally set up so that it could establish a loan to communities who don't have kindergartens and it is start up money. It would phase itself out. The first year it would be the full amount and the second year it would be \$1,000, the third year it would be fifty percent of the original amount. Then gradually phase it-self out. It is a loan that is repaid. There is no interest on the loan.

SENATOR COLANTUONO: I guess I am challenged. If you had one city or town that came to the department and said that it needed a million dollar loan to fund kindergarten or even one hundred thousand dollars, which is the full amount, are you saying that the full amount gets loaned out that first year?

SENATOR LAMIRANDE: No. It is loaned out on . . . it states it in the bill and I don't have a copy of the bill at this moment. It is a certain amount in the first year. I believe that it is \$2,000 the first year. Some one just handed me the bill, let me look it up. "Loans for any year shall not exceed the probable starter cost of kindergarten in the borrower's school district. Loans for the first two years shall not exceed \$1,000 per pupil." Okay? "Loans for the third year shall not exceed fifty percent of the amount loaned to the borrower for the first year." It is basically a start up cost.

SENATOR COLANTUONO: So that a district that had 100 pupils and they got approved for this, it would wipe out that appropriation in the first year?

SENATOR LAMIRANDE: It could very well. But I want to see the district that is going to have 100 pupils. This is only for kindergarten. They also have to keep in mind, Senator Colantuono, that the loan has to be repaid. Repayments start on the second year.

SENATOR COLANTUONO: As I understand it, the program runs for three years and after that the district is on its own and will have to not only pay for the whole amount of the kindergarten, but also for the money that it borrowed, to pay it back to the state?

SENATOR LAMIRANDE: Exactly.

SENATOR COLANTUONO: Thank you.

SENATOR SHAHEEN: Senator Lamirande, for those people who are particularly concerned about the dropout rate that we just discussed, wouldn't you agree that this would be a good bill for those people to support because,

in fact, we know that studies of kindergarten show that those students who had kindergarten have a greater chance of graduating from high school and not dropping out?

SENATOR LAMIRANDE: Thank you, Senator Shaheen, for pointing that out. It has been proven that, in fact, any child who has access to kindergarten, fares much better than one who does not have access to kindergarten. Property-poor communities, such as the district that I happen to live in or happen to represent, have a difficult time funding kindergarten and this would be a way for them to support kindergarten. And yes, the drop-out rate would be less, on the other end of the spectrum, the state would be saving a considerable amount of money.

Amendment adopted.

Question is on ordering to third reading.

A roll call was requested by Senator Bourque.

Seconded by Senator Disnard.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Blaisdell, Baldizar, Pignatelli, McLane, Podles, Barnes, J. King, Russman, Bourque, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted No: Wheeler, Colantuono.

Yeas: 21 - Nays: 2

Adopted.

Ordered to third reading.

SB 753-FN-A-LOCAL, an act relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator W. King for the committee.

5467B

Amendment to SB 753-FN-A-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT
relative to promoting economic self-sufficiency for
families receiving AFDC.

Amend the bill by replacing section 3 with the following:

3 Funding. Notwithstanding any other provision of law, the division of human services, department of health and human services, is authorized to provide for the funding of this act from the moneys deposited in the special account in the office of the commissioner, department of health and human services, created in section 5 of HB 1050-FN of the 1994 regular session, if established.

AMENDED ANALYSIS

This bill grants the director of the division of human services the authority to adopt rules to eliminate certain penalties, restrictions and complexities in AFDC policy which may impede the efforts of adult recipients of AFDC to qualify for and obtain employment that will produce a living wage. In addition, it requires the director of the division of human services to seek a federal waiver to increase the AFDC asset limit and to establish a self-employment investment program that provides small business loans of up

to \$5,000 to enable AFDC recipients to start micro-businesses. This bill also provides for the simplification of AFDC eligibility determination procedures to decrease administrative costs and error rates.

The division of human services, department of health and human services, may fund the bill from the moneys deposited under HB 1050-FN in the special account of the office of the commissioner, department of health and human services, if established.

SENATOR W. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

SENATOR WHEELER: Since we discussed this before, this is the bill that I referred to last time as the biggest boondoggle to the taxpayers this session. Nothing has really changed. I will point out that this will give loans to people who are not required to pay them back. If they default, it also gives welfare recipients an extra year of college and etc., etc., etc., we discussed it before. I just want to point out that this is basically the same bill although the funding has been changed and that I will not be supporting this bill.

SENATOR COLANTUONO: The amendment that we just passed, changes the funding to take the money, instead of from the general fund, to take it out of the extra Medicaid money that we just received?

SENATOR W. KING: Correct.

SENATOR COLANTUONO: I want to make sure that the members realize that. The question that I have is, that is a one time expenditure, so once that is gone, how is this bill going to be financed in the future years?

SENATOR W. KING: It will be financed through the budget of the agency, but I think that what you will see is, I am convinced that what you will see is, and particularly with the pilot program, you will see as Iowa has seen, that for every dollar that the state puts in or invests in this particular program, they will save \$2 in AFDC in food stamp costs, so that you will see the program will more than pay for itself, even with the provision of additional educational benefits that are in the bill.

SENATOR PODLES: Senator King, isn't it true that this is a major policy change and it is an unfunded mandate for locals and also for county?

SENATOR W. KING: Senator Podles, I think that you're on the wrong bill.

SENATOR PODLES: No. I am on the right bill.

SENATOR W. KING: Okay, explain to me . . . No, it is not true. But maybe you can stand up and speak to the matter of why you think that is the case.

Recess.

Out of recess.

SENATOR W. KING: I want to make a couple of quick points. For years we have made it a policy in this country that has prevented people from moving off welfare. This bill is the first, most significant attempt, I think, during this session, to actually do something about that. This bill will save money for the state. We are asking you to endorse investing a little bit of money to help people get off welfare. We just put \$60 million into business loans over at Pease. All that we are asking for is \$500,000 to help make loans to low income people so that they can make their lives better just the same way that those businesses will over at Pease.

Question is on ordering to third reading.

A roll call was requested by Senator Wheeler.

Seconded by Senator W. King.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 15 - Nays: 8

Adopted.

Ordered to third reading.

SB 789-FN-A-LOCAL, an act establishing a health care authority. Finance Executive Committee. Ought to pass with amendment. Senator W. King for the committee.

5694B

Amendment to SB 789-FN-A-LOCAL

Amend RSA 151-D:2, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The provider, purchaser and consumer members of the board shall be appointed by the governor and council.

Amend RSA 151-D:7, I and II as inserted by section 2 of the bill by replacing them with the following:

I. There is hereby established the state health council. The council shall serve in an advisory capacity to the board and to the office. The council shall consist of 25 members who shall be residents of the state of New Hampshire. Initial appointments to the council shall be completed by October 1, 1994. Twenty-three members shall be appointed by the governor. Members appointed by the governor shall be appointed from a list of 2 nominees for each membership category, submitted in accordance with the provisions of paragraph V of this section. Nominations for the council and appointments by the governor shall be made in a manner designed to ensure representation from all geographic areas of the state.

II. The governor shall appoint one provider representative from each of the following categories: physician specialists, primary care physicians, hospitals, the United States Veterans Hospital in the city of Manchester, nurses, the allied health professions, third party payers, nursing homes, providers of mental health services, home health care providers, doctors of naturopathic medicine, dentists, chiropractors, physical therapists, and local community health centers providing health care to low-income persons.

SENATOR W. KING: The committee amendment speaks to a concern that the governor had with the bill, in terms of the appointments that are made to the Council. The Council in this amendment becomes or serves as an advisory capacity to the board and to the office and that the members are appointed by the governor. I would just like to say that I think that Senator Hollingworth has done an extraordinary job on this and has gone the extra mile to try and meet the concerns that have been expressed by opponents of the bill. I think that she deserves a lot of credit for it.

SENATOR WHEELER: Again, I spoke about this before and I would just briefly like to bring up some points that I brought up before. I would also like to add that this bill is very clearly part of President Clinton's Health Care Plan. Everything that is in red here on this chart, under this bill, in state government level down, is additional bureaucracy added to the Health Care System. This bill goes right here on the chart and here and here and is part of the plan of President Clinton's Health Care Plan. This bill includes

other things in President Clinton's Health Care Plan by supporting the goals of HCR 1, which will include global budgets, leading to price controls and rationing of health care. I won't go into any more details because I have said before, before the bill went to Finance. I would ask that you find this bill inexpedient to legislate.

SENATOR BALDIZAR: Senator Wheeler, I just wanted to know if you had help maybe from Ross Perot with the chart?

SENATOR WHEELER: He is my inspiration for charts. Actually this chart comes from Senator Judd Gregg's office.

SENATOR BALDIZAR: Oh, thank you.

SENATOR COLANTUONO: Senator Wheeler, I heard a prominent member of congress a couple of weeks ago quoted as saying, "that the Clinton Health Care Plan is deadlier than Elvis." and I want to know, is that the same plan that he was talking about?

SENATOR WHEELER: That's it.

SENATOR COLANTUONO: With that being the case, don't you think that we in New Hampshire are going to look a little foolish passing an intricate part of a plan that is already dead?

SENATOR WHEELER: I certainly believe that this bill is not necessary and it can be done much, much simpler without creating all of this bureaucracy of eternal bureaucrats here on this chart.

SENATOR BOURQUE: Senator Wheeler, could you explain to me, lift the chart so that I can see it, please, where the governor's plan would fit in?

SENATOR WHEELER: The governor's plan is voluntary. It does not create these full time, permanent boards to address the issues of community rating or modified community rating and it can be done within regulation in the existing Insurance Department when these are all new offices.

SENATOR BOURQUE: Thank you.

SENATOR MCLANE: I watched Senator Monahan on television this morning, who announced that he had an agreement with Senator Dole that the one thing that health care should have is universal coverage. I wondered if you were in opposition to universal coverage?

SENATOR WHEELER: I am certainly in opposition to anything that would go that route and set up this, what is on this chart. There are other ways that we can accomplish keeping more people on health insurance, similar to the governor's plan.

SENATOR MCLANE: I guess my second question would be, what would you suggest for those estimated to be about 70,000 people in New Hampshire that are not covered by health care today?

SENATOR WHEELER: A modified community rating, for one thing and the governor's plan of expanding access to low income, for a second thing.

SENATOR DISNARD: Senator McLane, would you believe that I have heard all of these knocks about President Clinton's program and would you believe, that I can't recall any president, while I have been alive, who has ever offered to help the indigent and the poor and everyone to have health access, and don't you think that some of these people who are knocking it, ought to at least give credit where credit is due?

SENATOR MCLANE: I would exactly. I think back to the only other president who really offered a health plan and it was President Nixon. The source of the criticism sometimes interests me.

SENATOR J. KING: Senator Wheeler, I would like to see a chart that exists at the present time that shows us where we are, in the mess that we are in today, of how we stand, for us to look at so that we can compare them?

SENATOR WHEELER: I don't have that charted out, but I think that people are very aware of the situation, Senator.

SENATOR J. KING: Would you be able to get us one?

SENATOR WHEELER: I will be the expert on charts for you, Senator King.

SENATOR J. KING: Does any plan that exists now, let me put it this way, does the health plan that we have presently, supposedly, health plan, go toward universal health care?

SENATOR WHEELER: Which plan, Senator King?

SENATOR J. KING: Any plan at the present time?

SENATOR WHEELER: Insurance plans?

SENATOR J. KING: Any of the plans that you are talking about. Would your plan go towards universal health care?

SENATOR WHEELER: This is President Clinton's Health Care Plan, this isn't mine.

SENATOR J. KING: That goes towards universal health care, I know that. Does your plan or any other plans that you associate with?

SENATOR WHEELER: Yes, Senator King, you can accomplish universal coverage without setting up all of this.

SENATOR SHAHEEN: Senator Wheeler, you mentioned, several times, the community rating provisions that are part of Clinton's health plan. Can you describe those in more detail and then tell me why you're opposed to those?

SENATOR WHEELER: I am certainly opposed to a community rating that is not modified to give incentives for people to be responsible for their health. For instance, non smokers, even though you have a community rating, non smokers should have a dollar incentive amount for being non smokers. People who are in the right weight range should have a monetary incentive for being the right healthy weight range, etc., etc. A modified community rating may be necessary to insure those people are uninsurable.

SENATOR SHAHEEN: Are you aware, Senator Wheeler, that when we approved SB 711 this morning, that we approved community rating provisions that did not include the kinds of things that you are talking about?

SENATOR WHEELER: Yes, Senator Shaheen, I am aware of that, but it doesn't mean that I like it.

SENATOR SHAHEEN: However, you voted for it, is that correct?

SENATOR WHEELER: That is not correct.

SENATOR SHAHEEN: I didn't hear any no's on that vote, would you believe?

SENATOR RUSSMAN: Senator Wheeler, is this the same chart that is being used in the Whitewater matter?

SENATOR HOLLINGWORTH: I am handing out a comparison between my proposals and the governor's. And as to the relationship of my chart and the one that Senator Wheeler held up, if you look to page two, you will see mine; and on page two, the governor's. The only difference that you see on the chart is the voluntary health council. They are there because they are the stake holders, the consumers, the people who are in the marketplace and they are there as advisors to the health care. Other than that, my plan is exactly the same as the governor's plan, except, ours is done by the legislative process with intent, the intent of the legislature, doing exactly what we are supposed

to do. Now, the interesting thing that I would like to say, when I saw that chart come out, I was really nervous because I thought, you know, I know computers and I know that you can create all kinds of things, but that there is as much resemblance to my plan as the stuff that they shovel off at Rockingham Park in the stables and that I put on my garden in the spring. There is absolutely no relationship to this piece of legislation. I am relieved, Senator Wheeler, because I thought, God, I didn't know what you were going to pull out of that box. But, I wanted to also say that I asked our staff attorney as to what could be done in executive orders. Today, HB 1050 came out of the House Appropriations and this is their package, and on the back page it says, "The Governor's Health Care Reform Proposal, implementing authority. New Hampshire's Health Care Reform Advisory Board Executive Order." He is going to do it by Executive Order. This here is from our attorney, our Senate Attorney, and here is what he says about executive orders on health care and he has sent me a packet of laws and past history. These are all cases on executive orders and it says, "The central idea in these cases, is that the legislature formulates policy and establishes departments and agencies, while the governor is charged with responsibility of executing the laws so made." I rest my case. That's it.

Amendment adopted.

Question is on ordering to third reading.

A roll call was requested by Senator Colantuono.

Seconded by Senator Wheeler.

The following Senators voted Yes: Lamirande, W. King, Fraser, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 13 - Nays: 10

Adopted.

Ordered to third reading.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bill:

HB 514, amending the election laws relative to the political calendar and election ballots.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, March 24, 1994 at 1:00 p.m.

Adopted.

ANNOUNCEMENTS

SENATOR BARNES (Rule #44): As some of you may have read in yesterday's paper that I made a comment that I would have something to say today after SB 772 went through the process. What I want to say is that

I want to thank the Finance Committee. I want to thank, very much, the work that was done by the Appropriations Committee. I want to thank my fellow Senators. I would like to single out a couple of folks for a little extra credit, Senator Hollingworth, Senator John King, Senator Blaisdell. They were very helpful in getting this bill in the form that was able to pass this chamber. I feel very strongly that this bill is going to be very beneficial to all of us in the state of New Hampshire. For that, I thank all of you here in this chamber for all of your hard work on it. Thank you.

LATE SESSION

Third Reading and Final Passage

SB 504-FN-A, an act relative to funding for state literacy programs and making an appropriation therefor.

SB 545-FN, an act relative to the salary of the executive director of the pharmacy board.

SB 547-FN-A, an act authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor.

HB 576-FN-A, allowing Rockingham Park to avoid increased tax rates for 1995, 1996 and 1997 to repay the state for contributions to the purse fund by making a lump sum payment to the state.

SB 593-FN, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor.

SB 600-FN-A, directing the liquor commission to license an agency liquor store in Center Harbor.

SB 619-FN, an act relative to a cost of living adjustment for retired firefighters.

SB 625-FN-A, an act relative to an in-home care pilot program and making an appropriation therefor.

SB 628-FN, an act relative to regulation of youth camps.

SB 632-FN-A, an act establishing a pilot program to disseminate from the Pease International Trade Center trade information to promote international trade and making an appropriation therefor.

SB 643-FN-A, an act relative to examining the feasibility of building a civic/exposition center in Manchester and making an appropriation therefor.

SB 644-FN-A, an act appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101.

SB 648-FN, an act amending the 10-year highway plan and requiring the department of transportation to construct northbound and southbound entrance and exit ramps on I-93 in the town of Thornton.

SB 650-FN-A, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund.

SB 652-FN-A, an act making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families.

SB 655-FN-A, an act relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor.

SB 659-FN-A, an act relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor.

SB 667-FN, an act relative to guardians ad litem appointed in child protection cases.

SB 669-FN-LOCAL, an act relative to creditable service under the retirement system for time during which a person is receiving workers' compensation.

SB 670-FN, an act making technical corrections to the securities laws and relative to fees for securities registration.

SB 671-FN-A, an act negating the repeal of tax credits against the business profits tax and the investment tax credit.

SB 672-FN, an act requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings.

SB 673-FN, an act generally amending certain provisions relating to domestic violence.

SB 674-FN-A placing responsibility for dredging projects in tidal waters with the port authority and continually appropriating certain fees to the port authority.

SB 697-FN-A, an act relative to the New Hampshire Industrial Research Center and making an appropriation therefor.

SB 701-FN-A-LOCAL, an act relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee.

SB 702-FN-A, an act relative to congregate housing and making an appropriation therefor.

SB 703-FN, an act creating a university system research development fund.

SB 711, an act relative to small employer and individual insurance.

SB 723-FN-LOCAL, an act expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns.

SB 728-FN-A-L, an act providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor.

SB 730-FN, an act relative to funding for low income and financially disadvantaged utility assistance programs.

SB 743-FN, an act relative to insurance coverage for children.

SB 744-FN, establishing a committee to study providing health insurance to the dependents of retired state employees.

SB 747-FN, an act relative to lease-purchase agreements.

SB 748-FN, an act creating interagency family assistance teams for at-risk youths.

SB 753-FN-A-LOCAL, relative to promoting economic self-sufficiency for families receiving AFDC.

SB 755-FN-A, allowing business profits tax credits for alternative fuel vehicles.

SB 757-FN-A, an act relative to an education tax credit against the business profits tax.

SB 759-FN-A, an act relative to child support and making an appropriation therefor.

SB 760-FN-A-LOCAL, an act establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees.

SB 761-A, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor.

SB 766-A, making an appropriation to the department of transportation for the construction of sidewalks in the Weirs Beach area.

SB 767-FN, an act relative to mental illness coverage under insurance policies.

SB 769-FN, an act dividing any budget surplus between the revenue stabilization reserve account and state aid to education.

SB 771-FN-A, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases.

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor.

SB 774-FN, to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor.

SB 775-FN, an act providing medicaid coverage for adults 18 to 64 years of age.

SB 779-FN, an act revising the composition of the health services planning and review board and requiring the development of a state health plan.

SB 787-FN-A, an act relative to dental coverage for adults under the Medicaid program and making an appropriation therefor.

SB 788-FN-LOCAL, an act relative to alternative fuel motor vehicles.

SB 789-FN-A-LOCAL, an act establishing a health care authority.

SB 792-A, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport.

SB 794-A, an act making a capital appropriation for highway transportation infrastructure.

SB 801-A, increasing the department of transportation's authority to obtain certain bonds from 5-year bonds to 10-year bonds.

SB 806, an act relative to a capital appropriation for repair and restoration of the state house.

HB 1336, an act relative to services which certain liquor licensees may perform with regard to beverage stocking and displays.

HB 1516-FN-A, an act transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefor.

Senator Disnard moved that the business of the day being completed, that the Senate now adjourn until Thursday, March 24, 1994 at 1:00 p.m.

Adopted.

Adjournment.

March 24, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

Partisan politics is to good governance as tugboats are to ocean liners. Too much push from one side and not the other causes the great ship either to drift back out to sea or to crash into the pier. So, never, ever, confuse the tugboats you maneuver with the ship of state upon which the people ride. Lord of all, may You be for us this day the Harbor Master of our decisions, our opinions and our actions. Remind us at every turn that we have been selected both to push and to be pushed, and that unless we keep searching for and finding, the means to shove constructively, we and they and all of us together will be sunk. Amen

Senator Delahunt led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives has passed the following Bills with the following titles, in the passage of which it asks the concurrence of the Senate: House bills numbered 260 to 1585, HCR 21 - 31.

Adopted.

RESOLUTION

Senator Delahunt, Resolved, that in accordance with the list in the possession of the Clerk, House bills numbered 260 to 1585, HCR 21 - 31 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

HB 260-FN-A, establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services. Environment Committee.

HB 622-FN, relative to solid waste management districts. Economic Development Committee.

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. Executive Departments and Administration Committee.

HB 1100, relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines. Wildlife and Recreation Committee.

HB 1106, making a person, who purposely engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault. Judiciary Committee.

HB 1107, making crack cocaine subject to greater penalties under the controlled drug act. Judiciary Committee.

HB 1110, relative to the license waiver period for speech and language pathologists, and repealing the sunset review of the administrative attachment of the board of marital mediators. Executive Departments and Administration Committee.

- HB 1111**, permitting one-day family fishing licenses upon payment of a certain fee. Wildlife and Recreation Committee.
- HB 1115**, relative to violations of RSA 205-A. Public Affairs Committee.
- HB 1134**, increasing the penalty for criminal threatening and reckless conduct with a deadly weapon. Judiciary Committee.
- HB 1142-FN**, relative to lenders regulated by the banking department and relative to consumer credit transactions. Banks Committee.
- HB 1143**, increasing the penalties for illegal clamming. Wildlife and Recreation Committee.
- HB 1155**, establishing a committee to study the economic feasibility of the sale of state signs, special state license plates, and other related state items. Ways and Means Committee.
- HB 1159**, requiring manufactured housing park owners to compensate residents for relocation costs due to change in land use of the park. Public Affairs Committee.
- HB 1165-LOCAL**, repealing requirements for a census of disabled students, and providing for additional special education reimbursement for certain pupils. Education Committee.
- HB 1173**, prohibiting a right turn on red when a walk signal is on. Transportation Committee.
- HB 1177**, establishing an advisory committee on child care. Public Institutions, Health and Human Services Committee.
- HB 1185-FN**, relative to fees charged for the registration of private pesticide applicators. Environment Committee.
- HB 1189**, relative to emissions testing and establishing a committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act. Environment Committee.
- HB 1209-FN**, relative to administrative motor vehicle suspensions. Transportation Committee.
- HB 1226**, relative to filling vacancies on the county executive committee. Public Affairs Committee.
- HB 1228**, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record. Public Institutions, Health and Human Services Committee.
- HB 1233**, making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments and making a plan administrator liable for failing to meet certain employee notification requirements. Executive Departments and Administration Committee.
- HB 1245**, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance. Ways and Means Committee.
- HB 1254**, relative to the performance of uncompensated public service by persons convicted of crimes. Judiciary Committee.
- HB 1270-FN-LOCAL**, establishing a committee to integrate any changes in the municipal budget act into the school district laws. Education Committee.
- HB 1272-FN**, requiring the pari-mutuel commission to pay for certain laboratory urine tests. Ways and Means Committee.

HB 1283, relative to transporting loads on highways and establishing fines. Transportation Committee.

HB 1285-FN-LOCAL, permitting solid waste management districts to contract with certain persons for solid waste management services. Environment Committee.

HB 1288, establishing a state advisory and oversight committee on the education of children with disabilities and in accordance with federal requirements. Education Committee.

HB 1292, requiring certain disclosure during recruitment by multi-level or network marketing businesses. Judiciary Committee.

HB 1309, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops. Insurance Committee.

HB 1320-FN, regulating commerce pertaining to consumer transactions involving credit reporting agencies. Banks Committee.

HB 1325-FN, requiring the publication of an AIDS/HIV handbook. Public Institutions, Health and Human Services Committee.

HB 1327-FN, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game. Wildlife and Recreation Committee.

HB 1329-LOCAL, clarifying the definition of public employee for purposes of workers' compensation. Insurance Committee.

HB 1337, relative to designating a managing broker in a real estate branch office in the event of a vacancy. Executive Departments and Administration Committee.

HB 1339, relative to bank boards of directors or trustees. Banks Committee.

HB 1341, requiring delivery of non-subscription publications to cease 14 days after written notification by the recipient. Public Affairs Committee.

HB 1365, clarifying legislative intent relative to municipal ordinances. Executive Departments and Administration Committee.

HB 1367, creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation. Environment Committee.

HB 1368, establishing a commission to examine governmental reorganization. Executive Departments and Administration Committee.

HB 1372, establishing the granite state cultural legacy award. Public Affairs Committee.

HB 1377, requiring an optometrist or ophthalmologist to release prescriptions for replacement contact lenses, and setting certain fees for certain out-of-state business registration and renewal. Public Institutions, Health and Human Services Committee.

HB 1378, allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards. Public Institutions, Health and Human Services Committee.

HB 1379, establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report. Economic Development Committee.

HB 1382, creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund. Ways and Means Committee.

HB 1391, relative to consumer protection and going out of business sales. Banks Committee.

HB 1394, reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle. Judiciary Committee.

HB 1396, limiting the use of information compiled by consumer reporting agencies. Banks Committee.

HB 1398, establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline. Economic Development Committee.

HB 1403, requiring the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year upon failing to require necessary proof for the issuance of a license and making such person guilty of a class B misdemeanor. Wildlife and Recreation Committee.

HB 1412, prohibiting any person who is receiving, or whose spouse is receiving, retirement system benefits from serving as a member of the New Hampshire retirement system board of trustees. Insurance Committee.

HB 1416, relative to liens on manufactured housing. Banks Committee.

HB 1419-FN-LOCAL, relative to calculation of fees for motor vehicle registration permits. Transportation Committee.

HB 1420, relative to the sale of defective vehicles. Transportation Committee.

HB 1428, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park. Economic Development Committee.

HB 1429-LOCAL, exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies. Public Institutions, Health and Human Services Committee.

HB 1433, establishing a committee to review and make recommendations regarding health education in public schools. Education Committee.

HB 1436, exempting vessels in the federal channel from reduced speed requirements. Transportation Committee.

HB 1439, establishing license and license fee requirements for the taking of sea urchins. Wildlife and Recreation Committee.

HB 1440-FN, permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund. Wildlife and Recreation Committee.

HB 1442-FN-A, relative to a real estate transfer questionnaire. Executive Departments and Administration Committee.

HB 1443-LOCAL, relative to town meetings and public hearings in large towns. Public Affairs Committee.

HB 1453, allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments. Insurance Committee.

HB 1454, relative to competitive bidding, and budget, personnel and purchasing procedures in Rockingham county. Executive Departments and Administration Committee.

HB 1456, relative to mental health care service providers. Public Institutions, Health and Human Services Committee.

HB 1458-FN-LOCAL, to provide incentive through school building aid for establishing and maintaining public kindergarten programs. Education Committee.

HB 1461, establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire. Public Institutions, Health and Human Services Committee.

HB 1466, including advanced registered nurse practitioners in insurance policies for certain conditions. Insurance Committee.

HB 1468, allowing builders to use native lumber when the lumber is certified or stamped by a New Hampshire wood processing mill allowing builders to use native lumber when the lumber is certified or stamped by a New Hampshire wood processing mill. Public Affairs Committee.

HB 1469-LOCAL, relative to the definition of "impact fee" for the purpose of innovative land use controls. Economic Development Committee.

HB 1484-LOCAL, relative to the tax exempt status of certain properties. Ways and Means Committee.

HB 1493-FN-A, relative to tax refunds from the department of revenue administration. Ways and Means Committee.

HB 1495-FN, relative to taxes paid on simulcast racing. Ways and Means Committee.

HB 1496-FN-LOCAL, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities. Environment Committee.

HB 1500-FN, defining "out-of-state pharmacy" and requiring the registration of such pharmacies that sell to individuals within the state. Executive Departments and Administration Committee.

HB 1507-FN, relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act. Executive Departments and Administration Committee.

HB 1509, exempting persons participating in an American Water Ski Association event from the wearing of certain personal flotation devices. Wildlife and Recreation Committee.

HB 1512-FN, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee. Environment Committee.

HB 1518-A, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from turnpike system revenue bonds. Transportation Committee.

HB 1523-FN-A, establishing a state veterans' cemetery and making an appropriation therefor. Public Affairs Committee.

HB 1525, relative to communications that constitute harassment. Judiciary Committee.

HB 1528-FN-LOCAL, establishing a safe school zone and relative to school violence. Judiciary Committee.

HB 1532-FN-LOCAL, requiring the division of public health services to establish a needle exchange program and making an appropriation therefor. Public Institutions, Health and Human Services Committee.

HB 1533, relative to the composition of the pesticide control board. Executive Departments and Administration Committee.

HB 1534-FN-LOCAL, establishing a task force to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee. Environment Committee.

HB 1535-FN-LOCAL, exempting certain vessels from the state vessel registration fee and the boat fee. Wildlife and Recreation Committee.

HB 1539-FN, establishing a statewide intermodal transportation planning and improvement program. Transportation Committee.

HB 1545, relative to disclosure regarding contests and gift giveaways. Judiciary Committee.

HB 1548-FN, relative to medical and surgical benefits for state employees and establishing a committee to study eligibility requirements for receiving state medical and surgical benefits. Finance Executive Committee.

HB 1551-FN-A, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control. Finance Executive Departments and Administration Committee.

HB 1553-A, making a capital appropriation to the supreme court for the design of an administrative office building. Capital Budget Committee.

HB 1559, relative to smoking in indoor public places. Public Institutions, Health and Human Services Committee.

HB 1569-FN, relative to administrative review of suspended or revoked motor vehicle licenses. Transportation Committee.

HB 1571-A, appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse. Capital Budget Committee.

HB 1572-FN, relative to the public employee labor relations board and filing fees and making an appropriation therefor. Public Affairs Committee.

HB 1574, extending the reporting deadline for certain study committees. Executive Departments and Administration Committee.

HB 1582-FN, relative to state house health services. Public Institutions, Health and Human Services Committee.

HB 1585-FN, consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds. Insurance Committee.

HCR 25, in support of the free transfer of the former Pease Air Force Base. Economic Development Committee.

HCR 30, urging the state board of education to encourage local school districts to foster curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect. Education Committee.

HCR 31, urging that the northern forest of New Hampshire continue to be used to provide jobs for timber industry, recreation, and tourism. Environment Committee.

HJR 21, urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States. Public Affairs Committee.

HJR 22, urging Congress to pass the Federal Mandates Relief Act of 1993. Executive Departments and Administration Committee.

COMMITTEE REPORTS

HB 308, an act establishing a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU. Education Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 414-FN-LOCAL, an act providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system. Insurance Committee. Ought to pass with amendment. Senator Russman for the committee.

5670B

Amendment to HB 414-FN-LOCAL

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1251, an act relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits. Insurance Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 267, an act correcting a reference in the stalking law. Judiciary committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1114, an act relative to child support enforcement orders. Judiciary Committee. Ought to pass with amendment. Senator Podles for the committee.
5677B

Amendment to HB 1114

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Obligor Required to Notify Division Regarding Employer and Health Insurance. Amend RSA 161-B:7 by inserting after paragraph III the following new paragraph:

IV. All support orders issued or modified in cases that are payable through the division shall contain a provision requiring the obligor to keep the division informed of the name and address of the obligor's employer and whether the obligor has access to health insurance, and, if so, the health insurance policy information as requested by the division.

2 New Paragraph; Obligor Required to Notify Division Regarding Employer and Health Insurance. Amend RSA 458:17 by inserting after paragraph XI the following new paragraph:

XII. All support orders issued or modified in cases that are payable through the division shall contain a provision requiring the obligor to keep the division informed of the name and address of the obligor's employer and whether the obligor has access to health insurance, and, if so, the health insurance policy information as requested by the division.

3 Effective Date. This act shall take effect January 1, 1995.

SENATOR PODLES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1153-FN, an act adopting the revised Uniform Enforcement of Foreign Judgments Act. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5678B

Amendment to HB 1153-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1255, an act making technical amendments to the limited liability company laws. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1335-FN, an act making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 195-FN, an act relative to the sale of cider. Judiciary Committee. Ought to pass. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 389, an act relative to the disclosure of certain historical information regarding property. Judiciary Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: HB 389 was a rereferred House bill. It is the resulting work of a study committee. It prohibits agents or sellers of real estate from disclosing to the prospective buyer that the property was occupied by a person with HIV. It also holds a home seller harmless for not disclosing that there was a suicide on the property. Now in the past, real estate agents can simply say that they are not authorized to give out any information. This bill is to get the real estate agent or the home seller out of the loop of liability or disclosure. There are, however, several options that the buyer has, to obtain information if he wants it. They can get written authorization to investigate the background of the property or they can meet with the seller and the agent and discuss the property's history. At the public hearing, the supporters of this bill argued that someone with HIV living in a home has no impact on the property. As with anyone with a disease, the disease does not affect the quality of the foundation or the structure of the property or the roof or the chimney or the functions of various other amenities. If someone who lived in the home were to have cancer or had died of a heart attack, would there be a fear of contracting cancer or heart disease from that property in that instance, in that home? Now, secondly, many real estate agents and home sellers are caught in a bind if a prospective buyer finds out that the home was a site of a murder or a suicide. Being that many homes in New Hampshire are close to 250 years old or more, it is pretty impossible, it is pretty hard to go back, or should you go back in history, and how far back should a real estate agent have to go back in history, or be the home seller liable for? What is the limit of the liability? This is the report of the committee. The Public Affairs Committee urges ought to pass.

SENATOR HOLLINGWORTH: Senator Lovejoy, I am just shocked. What it appears like, is that this prohibits disclosure of somebody who has lived in the house with HIV. And unless you have the permission or the authorization of the owner in compliance with the Federal Housing Act, I don't understand why we need this? Is there now a problem? Clearly, you're right in correcting the thing. That anyone with any kind of a disease is no reason to believe that the house is in any way affected by that person having lived there. But are we having it just on the HIV? Why doesn't this cover all of the other diseases? This just totally surprises me. I hadn't seen anything, and I don't know what it has to do with . . . I looked at the title, disclosure of certain historical information, and I thought that it was dealing with one of our old houses that we were talking about. It was only until I began reading the language that I was somewhat puzzled why we need this?

SENATOR LOVEJOY: It also, Senator, deals with murders or suicides. I would like to relate a story to try to answer your questions. This happened to me. I happen to be a real estate broker. I was called on to list a house in the Wakefield area by a bank that had taken over the property. I went up and did the market analysis and so forth for the bank. After I had done the market analysis and determined the price, I learned that one of the occupants of the house, one of the previous occupants of the house had HIV and had died. Right off quick, I consulted the laws to see what my responsibility was on disclosure, because this is pretty important when representing the property. When you take a listing or agree to sell the property, then you're making a contract with the seller that you will use your best efforts to sell. But you also have a responsibility to the buyer; and so, it is important that you realize where you stand. So I called the Real Estate Commission and spoke with the lawyer. He told me that there is no set rule to follow. All that I can give you is an opinion and my opinion is that you have no need to disclose. There is no law that says now, that you have to disclose or that you don't have to disclose. That leaves the seller and the realtor in limbo somewhere. This bill, if it is passed, clearly specifies, that there is no liability if no mention of the issue is made.

SENATOR HOLLINGWORTH: Yes, I understand that. You clearly stated that there is no liability now, so I don't know why you need to state the obvious, that you have no liability. What this does is to say that you have no liability unless you add that line that says, "without the written authorization of the owner." I mean, I just don't understand why this piece is in here, even with your explanation. In fact, I thought that you were saying that obviously that we don't need this because you said that there isn't any liability.

SENATOR LOVEJOY: There is no clear direction to follow. This gives a clear direction for those people involved in home sales. That is needed and has been testified by both the real estate commission and the Board of Realtors.

SENATOR HOLLINGWORTH: Is this a Real Estate Board supported legislation? Is this one of their pieces of policies?

SENATOR LOVEJOY: Yes, it is.

SENATOR SHAHEEN: Senator Lovejoy, can you tell me what change the House made in this bill from the original?

SENATOR LOVEJOY: I am not sure, Senator Shaheen.

SENATOR SHAHEEN: Can anyone tell me from the committee?

SENATOR W. KING: Senator Lovejoy, are you suggesting that under current law today, if you list Jeffrey Dahmer's house for sale, and you know that it was his house, you don't have to disclose that? You have no obligation to disclose that legally?

SENATOR LOVEJOY: If Jeffrey Dahmer was infected with the HIV virus, sir, I would not have to disclose it.

SENATOR W. KING: I thought that you also said that it had to do with murder and suicide?

SENATOR LOVEJOY: If in fact, he had HIV and committed suicide.

SENATOR W. KING: Well let's leave HIV out of this. Aside from the HIV status of anybody in the house, this bill also deals with homes where there has been a murder or a suicide, correct?

SENATOR LOVEJOY: That is correct.

SENATOR W. KING: Okay. I would just ask you to leave the issue of HIV out of it. What I am trying to understand is, if under the current law today, without this bill, if you listed a mass murder's house for sale, would you have an obligation as a real estate agent to disclose that if you knew it?

SENATOR LOVEJOY: The law is unclear.

SENATOR W. KING: The law is unclear?

SENATOR LOVEJOY: Yes, it is.

SENATOR W. KING: So what this bill would do then, is to say that you had absolutely no obligation to disclose that whatsoever?

SENATOR LOVEJOY: That is correct. If I were the realtor or if I were the seller. But it would encourage the buyer to get the information at other places, the historic information. It would remove the liability from the seller or from the broker.

SENATOR W. KING: How would it encourage the buyer to find that information elsewhere?

SENATOR LOVEJOY: If the buyer asks the agent if a mass murderer lived there, the agent would inform the buyer that he suggests that he shop around the town and speak to other people and find out whatever information that you can. If I can help you in any way, then we will do that.

SENATOR W. KING: Suppose that the buyer said, "is there anything that you have not told me about this house that you know?"

SENATOR LOVEJOY: Structurally, sir, the answer would be, I have told you all that I know about the house.

SENATOR W. KING: You are slick, George, would you believe?

Senator Hollingworth moved to have **HB 389**, an act relative to the disclosure of certain historical information regarding property, laid on the table.

Adopted.

LAID ON THE TABLE

HB 389, an act relative to the disclosure of certain historical information regarding property.

HB 449, an act relative to listing candidates on general election ballots. Judiciary Committee. Ought to pass. Senator Bourque for the committee.

Senator Roberge moved to have **HB 449**, an act relative to listing candidates on general election ballots, laid on the table.

Adopted.

LAID ON THE TABLE

HB 449, an act relative to listing candidates on general election ballots.

HB 630-FN, an act relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers. Judiciary Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 634, an act establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists. Judiciary Committee. Ought to pass. Senator Pignatelli for the committee.

Senator Pignatelli moved to have **HB 634**, an act establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 634, an act establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists.

HB 1174-LOCAL, an act allowing the selectmen, under certain circumstances, to manage town real property. Judiciary Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1206, an act relative to the procedure to follow when an optional elected town office is discontinued. Judiciary Committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: HB 1206 proposes that in the case of termination of an optional elected office, the person holding the office shall continue to hold the office until the next town election. Additionally, this bill proposes that any vacancy that is not declared by the beginning of the candidacy filing period, shall not be filled until the following year. This is already common practice in most towns. HB 1206 passed House and Senate committees unanimously, and we should lend our full support to this bill. Thank you.

SENATOR HOLLINGWORTH: Senator Barnes, I don't want to cause any stir, but just looking at this, it is not clear to me. It looks like what you are saying to me is that the town can't hire, they have to keep that position open, and that they have to pay that person for a full year. Is that the meaning?

SENATOR BARNES: That person would finish their term out. If you had . . . this is the explanation that I am going to give to you; if anyone on the committee has a different play on it, please jump in. Tuesday, is the election day in Raymond. Previous times we have authorized and put in there, an assistant town manager. The assistant town manager is voted on on Tuesday. Low and behold, comes Saturday when our town meeting comes up, 50 to 60 people get together and eliminate the position. This allows that person's term, who was properly elected, to continue their term until it has expired in the following year.

SENATOR HOLLINGWORTH: Now if the town decides that it is going to cut the budget by the equal amount of that position that it was going to take out, that means that the money has to be taken from some place else?

SENATOR BARNES: My opinion of that is, no. Because it is an elected office and the elected office is there, and you can't be playing around with that. That is my understanding of it.

SENATOR HOLLINGWORTH: Okay.

SENATOR LAMIRANDE: Senator Barnes, does this have any effect on the elected position that, for example, if the individual is basically out of the position and someone else is there to replace it?

SENATOR BARNES: Do you have an example, walk me through this, would you?

SENATOR LAMIRANDE: Okay. An example, the register of deeds, if the individual was in the position

SENATOR BARNES: They are in that position and office now?

SENATOR LAMIRANDE: They are in the office. Then they were taken out of that position and a substitute person was placed in that position, okay? Would this bill have any effect on that at all as far as paying both individuals, as is what is happening in Coos county right now?

SENATOR BARNES: You got me. I don't have the answer to that; hopefully, some member from the committee does. I would say, no. That question never came up. I am getting some sign language, some body language from an expert and the answer is no.

SENATOR LAMIRANDE: Thank you, Senator Barnes.

Adopted.

Ordered to third reading.

HB 1231, an act requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial. Judiciary Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

5728B

Amendment to HB 1231

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to oversee the site selection,
design and construction of a New Hampshire law
enforcement memorial.

Amend RSA 4:9-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be a memorial to commemorate the New Hampshire law enforcement community. Notwithstanding any other provision of law to the contrary, the committee established in RSA 4:9-b shall give priority to situating the memorial in a suitable place on the grounds of the state house. If the committee determines that such a suitable place does not exist, the memorial shall be situated on the southeast corner on the front grounds connected with the legislative office building. The governor is authorized to accept in the name of the state the law enforcement memorial as a private gift upon its completion.

Amend RSA 4:9-a, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The director of the division of plant and property management, subject to the direction and supervision of the commissioner of administrative services, shall administer and disburse to the committee established in RSA 4:9-b the moneys in the special account established under RSA 4:9-b. No money other than necessary expenses prior to construction, shall be disbursed until the governor and council approve and award the contract for the construction of the law enforcement memorial.

Amend RSA 4:9-b, I and II as inserted by section 1 of the bill by replacing it with the following:

I. A committee is established to select the design for a law enforcement memorial, to determine where the memorial shall be situated, to oversee the construction of the memorial, to privately raise all the funds which shall be necessary for its construction, and to expend the funds which are raised. The governor is authorized to accept for the committee, in the name of the state, the gifts of money which are donated to construct the memorial.

II. The gifts of money which are donated to construct the memorial shall be placed in a special nonlapsing account in the state treasury, to be expended for the purposes of the law enforcement memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, and repair of, and additions to, the memorial, or for any other purpose deemed appropriate by the committee.

Amend RSA 4:9-c, I as inserted by section 1 of the bill by replacing it with the following:

4:9-c Committee Membership.

I. The members of the committee established in RSA 4:9-b of this act shall be as follows:

(a) One member appointed by the New Hampshire Association of Chiefs of Police.

(b) One member appointed by the New Hampshire Police Association.

(c) One member appointed by the New Hampshire Sheriffs' Association.

(d) One member appointed by the New Hampshire State Troopers Association.

(e) One member appointed by the 100 Club of New Hampshire, Incorporated.

(f) The executive director of the fish and game department, or designee.

(g) The commissioner of safety, or designee.

(h) The attorney general, or designee.

(i) The commissioner of cultural affairs, or designee.

(j) The commissioner of administrative services, or designee.

(k) One member of the house of representatives, appointed by the speaker of the house.

(l) One member of the senate, appointed by the president of the senate.

(m) One member appointed by the governor, who shall be a member of a family of a law enforcement officer killed in the line of duty.

Amend RSA 4:9-d, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The award of the contract for the construction of the law enforcement memorial shall be subject to the approval of the governor and council.

Amend RSA 4:9-d, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The committee, through the New Hampshire law enforcement community, shall privately raise all the money necessary for the planning, design, and construction of the law enforcement memorial. Notwithstanding subparagraph II(b), the committee shall have the authority to expend the money which is raised without the approval of governor and council.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that there shall be a memorial to commemorate the NewHampshire law enforcement community.

The bill establishes a committee to select the design for the law enforcement memorial, to oversee its construction, and to determine whether the memorial shall be situated on the grounds of the state house or on the southeast corner on the front grounds connected with the legislative office building. The committee is to give priority to situating the memorial in a suitable place on the grounds of the state house. The award of the contract for the construction of the law enforcement memorial shall be subject to the approval of governor and council.

All the money necessary for the planning, design, and construction of the memorial is to be privately raised, through the efforts of the law enforcement community. The moneys are placed in a special nonlapsing account in the state treasury.

The committee must select the design for the memorial no later than July 1, 1995. At that time, it shall also issue a proposed timetable for the construction phase of the law enforcement memorial.

SENATOR BARNES: I realize that when you have the vote for something, you should shut up. I have heard that from a lot of people, but I would like to get this on the record, because the original bill came out of the House. It had this well deserved monument, placed over at the Policy Academy. That was changed, and it was put over here at the Legislative Office Building. The reason that I want to put it on the record is, I am going to go over to the House when this goes back over there. I want to talk on the matter, and I want the individual who wants the statute firmly intrenched over there at the Police Academy, to know the reasoning why I am throwing it out to you folks, and why I don't believe that it belongs over there. It belongs on the front grounds of the State House. There are several pieces of work out there. Senate McLane and Senator Lovejoy were out there with me yesterday, and there is plenty of room for this monument that the committee is going to come up with. So I want that gentleman over in the House to know, also, that the city of Concord, in its wisdom, put up its war memorial, to the fallen veterans of this country, where did they put it? They didn't put it at the Police Training Academy? They didn't put it in front of the LOB, they put it right out in front of the State House grounds, so that everyone who comes in here can see it. I think that the students who come in here from all over the state, and the people who come in and visit here, 99 percent of them come to the State House, they don't come over to the LOB. I just wanted the folks over there to know that I personally want it, and I hope that the House wants it to sit out here in front of the State House.

SENATOR SHAHEEN: Senator Barnes, it is my understanding that it is the wish of the Police Association and the various chiefs in the state who have worked on this memorial, would also like to see it somewhere on the grounds of the State House, is that correct?

SENATOR BARNES: Yes.

Amendment adopted.

Ordered to third reading.

HB 1371, an act relative to claiming the homestead right in a levy by sale of an execution on real estate. Judiciary committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1506-FN-LOCAL, an act relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail. Judiciary committee. Ought to pass with amendment. Senator Lovejoy for the committee.

5687B

Amendment to HB 1506-FN-LOCAL

Amend RSA 654:7-a, I as inserted by section 2 of the bill by replacing it with the following:

I. The provisions of this section and those of RSA654:7-b shall be used as an additional procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term "election day" shall refer to state primary and to state general elections, but shall not include a special election held for the purpose of choosing or nominating any candidate for the office of state representative, state senator, or executive councilor. A person who registers to vote on election day according to the provisions of this section shall also be required to complete the voter registration card provided for in RSA654:7. The provisions of this section and those of RSA654:7-b shall apply notwithstanding any provision of RSA654 to the contrary.

Amend subparagraph I(e) of section 5 of the bill by replacing it with the following:

(e) A determination if election day registration should be extended to municipal elections, and to special elections held for the purpose of choosing or nominating candidates for the offices of state representative, state senator, or executive councilor.

Amend the bill by deleting section 9 and renumbering section 10 to read as section 9.

AMENDED ANALYSIS

This bill permits a person whose name is not on the checklist, but who is otherwise a qualified voter, to vote by requesting to be registered to vote at the polling place on election day at a regular state primary or state general election. The voter may then vote at that election.

The bill also establishes a committee to study voter registration by mail as an alternative to in-person voter registration. The committee must file its report, together with any proposed legislation, no later than December 1, 1994.

Senator Pignatelli moved to have **HB 1506-FN-LOCAL**, an act relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail, laid on the table.

Senator Pignatelli requested a roll call.

Senator Pignatelli withdrew the request for a roll call.

Division vote was requested.

Yeas: 11 - Nays: 12

Motion to table fails.

Recess.

Out of recess.

Amendment adopted.

SENATOR PIGNATELLI: I apologize for the delay that you have all had to put up with. The reason that I would like to put this bill off for a week, is because I would like the opportunity to prepare an amendment to this bill that would allow people to register by mail. If, as the bill states, we are going to allow people to register to vote on the day of an election, it makes sense to me that we also put into our procedures something that would allow them to register by mail some time before the election day. And that is why I would like the opportunity to table this. Then if you decide that you don't like that amendment, then it will go through the way that it is now.

SENATOR CURRIER: I am rising to speak against this motion in terms of delaying the action. The bill deals with that, at least according to the amended analysis. It says that it is going to establish a study committee, to study voter registration by mail. That was what was taken out of the bill in committee, as I understand it. I don't know all of the particulars of why, but I think that there are some, well I don't know how urgent it is, but there is some concern regarding the bill passing with any more amendments and so forth. So I rise in opposition.

SENATOR PIGNATELLI: Senator Currier, I believe, and wouldn't you believe, that the study committee was not removed from the original bill?

SENATOR CURRIER: At this point, Senator, I am not sure what you believe in terms of . . . my understanding, is that the bill has a study committee to deal with the mail-in registration aspect of the bill, and it doesn't really deal with it. It sets up a study committee to do that. That is my understanding in the short time that we have had to analyze the whole thing, but that is the way that I understand it. I think that the concern that you and others have had about it, I thought, were going to be addressed by that study committee.

SENATOR PIGNATELLI: You are right in saying that there is a study committee in the bill. But I feel that if we are able to set up a procedure whereby people can register by mail, as some other states have, and as people who hold office in the State House believe that we ought to be able to, then I think that we ought to be able to put it into law this year and not have to wait for another year. Don't you think so too?

SENATOR CURRIER: No, unfortunately, I don't. I think that in reality, the whole bugaboo of whether this bill should pass or fail is based on that whole thing. I think that the compromises that have been made along the way, get us to where we are with the same day registration, which I believe is very important. I am a little bit concerned, as others are, about the whole aspect to be able to send a post card in and then you are a registered voter, you know, without any proof. The next thing that you know we will be having dead people voting again. So the thing is, I think that the aspect of that study could take care of that without jeopardizing what we are trying to do in terms of getting same day registration. I think that we ought to go forward and see what the best thing is that we can do on both sides of the study committee and getting the same day registration. So I don't agree, unfortunately.

SENATOR COHEN: Senator Currier, this question was pretty much asked before, but I noticed that the study committee would not report until after the election of 1994, it says December 1, and the election, as we know, is in November. Don't you see that as a problem? I mean, if we are going to study this thing, why not study it in time to make a difference for the upcoming election? And, why not, in fact, give it another week to see if we can come up with something, rather than setting up a long-term study committee that puts off the action until after the election?

SENATOR CURRIER: Senator, I understand what you are saying regarding your question. But, I think that the whole national motor voter rights thing, was geared to federal legislation. So I am not as concerned about the next general election as I would be in terms of the next presidential election. That doesn't bother me from that standpoint.

SENATOR COHEN: You don't recognize that in 1994 there are federal elections as well as presidential elections, there are congressional elections?

SENATOR CURRIER: Yes, I see your point.

SENATOR LAMIRANDE: Aren't you glad that you made that little speech, Senator Currier? Senator Currier, the bill the way that it stands now, the way that it reads, it is just a study committee. Would you not agree that a study committee is going to take up a lot of time that would defeat the purpose?

SENATOR CURRIER: Are you telling me then, that you are not in favor of any study committee, dealing with any issue?

SENATOR LAMIRANDE: That wasn't the question. The question was, do you think that it would take up needless time, that could be corrected by the possible amendment of the bill, were it to be tabled, and it would only be in consideration of one week, as opposed to the length of time where you can't do anything with it?

SENATOR CURRIER: If I thought that a reasonable compromise could be met, between now and next week, I would be supporting the motion that was offered. I don't believe that to be the case. I think that it is going to muddy the water and then before you know it, it will be a partisan issue, strictly a partisan issue.

SENATOR PIGNATELLI: It doesn't have to be.

SENATOR CURRIER: I know it doesn't have to be. But it will. And I think that we ought to just go forward with the bill.

SENATOR LAMIRANDE: I think, Senator Currier, would you believe, that it should be given a shot?

SENATOR PODLES: Senator Pignatelli, would you agree that voting by mail is an entirely different issue, and it did not have a public hearing? That the hearing that was held was on the issue of registration by mail?

SENATOR PIGNATELLI: Senator Podles, I am not talking about voting by mail, because we already have absentee ballots. That procedure is already set up. What I am talking about is, registration by mail, which we already have; and that is the subject of the bill, because there is a study committee on the bill that is going to study this issue. My feeling is, if we are going to take a year to study it, why not take a week to see if we can work out some guidelines so that we can have it by the end of the year. I might also mention, that in addition to having this amendment on this bill, I have also asked to table another bill having to do with voters and voter procedures, and I would like to have the amendment on that bill as well.

SENATOR PODLES: Would you believe, that I still think that the hearing was not on the registration by mail?

SENATOR PIGNATELLI: Senator Podles, the bill addresses registration by mail. Some of the testimony that we heard at the hearing was very favorable to registration by mail. That is really the reason why I am asking to introduce an amendment, to try and get that into place for this upcoming election?

SENATOR COLANTUONO: Senator, did I hear you correctly? That you said that you had another bill which has just been tabled, that you intend to introduce this same amendment on?

SENATOR PIGNATELLI: I am hoping to.

SENATOR COLANTUONO: Okay. In that case, wouldn't it make sense to allow this bill to go forward today because of the important ramifications that it has to the state of New Hampshire under the federal motor voter legislation, and then do what you want to do on that other bill that is already on the table?

SENATOR PIGNATELLI: Senator Colantuono, ordinarily I would agree with you, but, we know that this bill is going to go through. We know that because of the federal mandate, it has to go through. I feel very strongly that we ought to, in this state, have registration by mail. So I feel that even though I would like to introduce the amendment on this other bill, I am not so sure that that is going to go anywhere. I think that by having it on this bill as well, that even if it doesn't eventually get passed, it goes a long way to providing education, public education, letting people know that this is something that we are interested in doing. Because chances are, this bill, this HB 1506, is going to receive a lot more publicity than the other bill that I had tabled.

SENATOR BOURQUE: Would you believe, Senator Pignatelli, that there was a public hearing on this bill?

SENATOR PIGNATELLI: Yes, I was there.

SENATOR BOURQUE: Thank you. Would you believe, that because there was a public hearing, that this gave us an opportunity to hear more about the mailing of registrations of voters, so there was a public hearing. Also, testimony was heard on it, so that I feel very comfortable in believing that people are really interested in doing more to get people registered to vote?

SENATOR PIGNATELLI: Well I know that I hear a lot of people say that they are interested in opening up the process more and enabling more people to vote, but then I am not so sure at times, if you know what I mean?

SENATOR BOURQUE: I know what you mean. Thank you.

SENATOR PIGNATELLI: I have a copy of the testimony here of the public hearing, if anyone would like to read it, and read about the testimony that we heard, regarding mail-in registration.

SENATOR J. KING: Senator Pignatelli, at the committee hearing, did you provide us with an amendment at that time?

SENATOR PIGNATELLI: Yes, I did.

SENATOR J. KING: So the committee was aware, and the people at the public hearing were aware of your change?

SENATOR PIGNATELLI: I believe that the amendment came in when we were having our executive session. So it wasn't an amendment that I had during the hearing. But the amendment came as a result of what I heard in the public hearing.

SENATOR RUSSMAN: Would you believe, Senator, that it appears that the issue is really going to be the vote here, whether or not we believe in the idea of voter by mail and that whether we have an amendment before us next, or we vote right now, that the issue will probably be settled. And that there really is no need to put it off a week and then vote on it, or on the alternative? If you have your amendment, why not literally take a recess and pass it out or whatever, and then let us vote on it at this particular time?

SENATOR PIGNATELLI: Well I have the amendment that I introduced in the executive session, but, I would find it very difficult to vote for that amendment myself. So I would like a week to try and work something out that our secretary of state might be happy with.

SENATOR BARNES: You just mentioned Secretary of State, Bill Gardner. How did he feel at the committee hearing on this mailing situation? Do you remember what his testimony was?

SENATOR PIGNATELLI: I remember . . . well I have it right here in front of me if you could wait a minute and I'll look it up, about how he feels about mail in registration?

SENATOR BARNES: I realize that he doesn't have a vote here, but I also realize that he is in charge of the elections in this state.

SENATOR PIGNATELLI: I can tell you that he told me that he would work on an amendment for mail in registration.

SENATOR BARNES: Thank you, I heard that. But I would like to know what his testimony was in front of our Senate committee, if I could, for the rest of the members in this Senate Chamber?

SENATOR PIGNATELLI: It is possible that he might not have testified that day of the hearing on mail in registration. There were other people who testified on mail in registration; and their testimony, to me, seems so compelling that I was willing to offer an amendment so that we could have a process by which people could vote by mail in registration. If you give me this week, and I come back with an amendment, which I am not absolutely sure that I can do. But I will report back next Thursday when we meet. If you take a look at this amendment, to allow people to vote by mail in registration, and you don't like it, you're free to vote against it and I will still love you all.

SENATOR LOVEJOY: I would like to point out a couple of things. Number one, the amendment was not presented to the committee. The intent of an amendment was presented because it had to be worked out. Since that time, we have had about one week or about ten days, that we could have worked on an amendment to bring here, to consider, but that hasn't been done. There has been enough time gone by to work out that amendment to have brought it on the floor. That hasn't been done. And let me point out to you, too, that the whole gist of trying to pass this bill, is to try to get the retroactive savings that can be passed onto the state of New Hampshire accomplished. There is no guarantee that even now, that we are going to be able to beat the deadline on the motor voter federal legislation. According to the Secretary of State, Bill Gardner, he told us that he supports this bill in the committee. And he said, "that this will cost substantially less." I am reading from his testimony. I think that this is important for all of us, and I don't think it is partisan. I think that this is a New Hampshire issue, it is not a partisan issue. The Secretary of State, Bill Gardner, said, "this will be a substantial less cost, a rough estimate of the other bill, the federal bill, will be around \$3 million to get it going," and then continuing, reporting requirements. "This bill," he said, "if we end up going with a statewide computerized check list system, it would be about a third of the cost." Now I think that is what we have to deliberate on and consider. It is not a done deal that we are going to be able to beat the federal motor voter. But we do know that if we don't do it with haste, and now, that we don't have a shot at it. Any further delay, I look at, is just a delay. We have had a week or ten days to prepare any further amendment that wanted to be made and that wasn't done, and now we are asked for another week. I think

that we should move on this. Out of respect for Senator Pignatelli, I would encourage her to prepare her amendment for the other bill as she thought that she would, and bring it to this Senate for debate and deliberation and action. But I think that now is the time to act on this. I believe that any delay could jeopardize taxpayers' money here in the state to a great extent.

SENATOR W. KING: Senator Lovejoy, do you have any documentation or any evidence that one additional week out of courtesy to Senator Pignatelli is going to make any difference?

SENATOR LOVEJOY: No, sir, Senator King, I do not. I just have the testimony of the secretary of state of the state of New Hampshire and I just read you his opinion.

SENATOR W. KING: Senator Lovejoy, if time was of the essence for this, why has it taken so long for this House Bill to get to us in the first place?

SENATOR LOVEJOY: Well, this bill has been around and it has been battered back and forth and deliberated on, but it is before us, Senator. It is before us. Now I suggest to you, that this is the time and that this is the place. Any further delay, I would suggest, is a delay.

SENATOR ROBERGE: Mr. President and members of the Senate, I don't think that this bill has taken a long time, this is the first session that we have worked on House Bills, actually, so it hasn't been with us that long. I also think that studying this mail in is an excellent compromise. I think that there are things that could come up and I don't think that we should be hasty. I think that we will study it in a very serious manner. We will study the problems, and the ups and downs of the other states. I don't know which ones they are, but Senator Pignatelli stated that we have some. We will study their experiences but I don't think that we need to rush into this particular issue with this bill. I think that holding this bill up is a mistake, and that we ought to vote ought to pass today.

SENATOR DISNARD: I rise, not as the leader on a partisan issue regarding the contents of this bill. I don't know how I will vote on this bill. But, I will support Senator Pignatelli out of courtesy. We have Senator courtesy. We hold a leadership meeting for the purpose of finding out what might occur on this floor. This morning, the Senator indicated that she would like to table, she was going to ask to table, two of the bills on the schedule today and that she would have amendments made, and no one spoke against it. Now I recognize the caucus that was held earlier this morning. I understand what is going on. Let's forget that this can be worked both ways. If a Senator mentions that he is going to make motions on the floor today, this morning, and no one speaks up against it, people are nodding their heads, then this happens. I call that a breach of Senatorial courtesy. I would hope that someone who voted in the majority would ask for a reconsideration of tabling.

Senator W. King moved to have **HB 1506-FN-LOCAL**, an act relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail, laid on the table.

Question is on the motion to table HB 1506.

A roll call was requested by Senator Lovejoy.

Seconded by Senator Roberge.

The following Senators voted Yes: Lamirande, W. King, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 12 - Nays: 11

Adopted.

LAI D ON THE TABLE

HB 1506-FN-LOCAL, an act relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail.

HCR 27, an act encouraging federal legislation to recognize atomic veterans. Judiciary Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1118, an act eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glencliff home for the elderly be determined in accordance with the administrative procedure act. Public Institutions, Health and Human Services Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1190, an act authorizing the state to notify the victim of a sexual assault of the perpetrator's test results for HIV virus. Public Institutions, Health and Human Services Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

Recess.

Senator Blaisdell in the Chair.

HB 1213-FN-A, an act appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made. Public Institutions, Health and Human Services Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: HB 1213, allows two temporary positions for the Human Rights Commission, only for the next two years. They have a caseload of 610 or more. What they would like to do is to address the caseload which probably has been two, to three, to four years in the waiting. They would like to get on with the current caseload that comes each year. As I said, they are temporary positions.

SENATOR CURRIER: Senator, could you tell us what the fiscal note on this bill works out to? There is a sum in the appropriations of \$130,000. Could you give us a break down? Is that two positions at \$70,000 or \$60,000?

SENATOR J. KING: Is the \$130,000 for one year or two years? Sometimes they give you two years?

SENATOR BLAISDELL (In the Chair): Senator Currier, if you will have some patience. If the bill passes, it will be sent to Senate Finance to get those answers for you. But either way, he can answer them for you.

SENATOR BARNES: Senator King, what does the word 'temporary' mean?

SENATOR J. KING: Well you have heard the old saying that, "there is nothing so permanent as a temporary position?" Well that doesn't mean that in this case. It will just be for two years.

SENATOR BARNES: Thank you.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1449, an act relative to professional standards review organizations for physical therapists. Public Institutions, Health and Human Services Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HCR 20, an act providing that long-term care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives. Ought to pass. Senator McLane for the committee.

Recess.

Senator Hough in the Chair.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

Recess.

Out of recess.

TAKEN OFF THE TABLE

Senator W. King moved to have **HB 449**, an act relative to listing candidates on general election ballots, taken off the table.

Division vote requested.

Yeas: 12 - Nays: 11

Motion is adopted.

HB 449, an act relative to listing candidates on general election ballots.

SENATOR BOURQUE: HB 449 has been one of the priorities of the constitutional statutory revision committee for a number of years. This bill is, finally, a workable version and it has passed the House. HB 449 would help clarify much of the voter confusion as to who they are voting for. The current voting process is done by side by side columns. This has the voter believing that the candidates next to each other are running against each other, when in actuality, they are running at large. The proposed system of HB 449 is presently being used in some communities. This bill would legalize its use, and this is a uniform process throughout the state. That is what this bill would do. I would ask that this bill be ought to pass.

SENATOR CURRIER: This morning when I had an opportunity to quickly go over what was on the Senate Calendar today, I was scrambling around to get as much information as I could, regarding this bill, because as you all know, I chair Executive Departments and Administration Committee. For the most part, we have been, that committee has been, in previous sessions, had been getting most of the voter registration and campaign financing legislation before us. Because of the workload of the committee, a lot of the bills dealing with these issues went to Public Affairs this year. So I was curious as to what was going on relative to some of the specifics of the bill. I was hearing various explanations of how this whole process and how this whole bill would take effect, and how it would affect, not only me, but others, and what it would actually look like. So I went to the secretary of state's office and actually got copies of what would, in fact, then be in the process, if this bill, in fact, passed. I am not sure that I have all of the questions that come to mind, because of the aspects that this would be a totally unique and different form. I am not sure if this is really going to help eliminate the confusion on the part of the voter or even help it. The current legislation provides for the standard ballot. This here in my hand is the current ballot that we are all currently familiar with. It has the columns. This here would be the new ballot, which lists, not by party affiliation but it lists it by actual, I guess, by office. For example, state senator, in this particular sample that I have, a Gilford ballot, it has Senator Fraser on it. It lists for state senator, vote for one, and then it lists three candidates. It shows three different party affiliations. Senator Fraser is on the top, in this case, because he was the incumbent and he won the majority of the votes. As I understand the bill, he then would or whoever beats him out in the primary, depending on that situation, if he decided not to run again, then the incumbency has some power here, in terms of advantage, I guess is the word, in terms of this ballot. Whereas the old form of ballot it's probably a party affiliation that has the advantage over the incumbency type of thing; although, it is hard to distinguish between the two. But this is like one of the those puzzles that you get in the back of the newspaper on Sunday, where you can draw the lines and make a drawing. You have to connect the dots. Actually, it is the arrows. It doesn't eliminate straight ticket voting because you can still do that. But if you make any other mark on the paper, it is my understanding, that when they are electronically counted, this gets dumped into a different pocket in that counting machine, and it is dealt with differently because of write-in votes, where you can actually write-in another candidate and it adds a lot of confusion. My understanding is that this bill, with this ballot, this particular one is used in the electronic machines, the ones that you stick it in the machine and it automatically counts it. And a straight ticket is actually put into a different compartment the way that it is geared up in a machine. So write-in votes get sent into a different compartment also. So that, in fact, they are counted separately. This particular ballot would be standard, even if people or the communities didn't have the voting machines. So people would be actually counting ballots this way, as opposed to using this one here, although, this is machine readable. In talking to Secretary Gardner, one of the things that I think is a plus about this particular bill, is the fact that this huge ballot, and if any of you remember the one during the presidential primary time, there were so many candidates, and so many parties, that Nashua actually had a problem where there were people's names underneath the ballot, as I understand, well at least according to the testimony on the committee that I have been able to look at. The point that I was trying to make about the ballot, is that the one favorable thing that I see

about this is, that the secretary of state said that by switching to a uniform ballot, so that every community in the state actually had the same ballot, we would save a portion of money. He couldn't give me the actual dollars and cents of that savings, but he thought that it would be significant enough that that would be a plus for the bill. I still have some other questions regarding this whole process. In discussing them with members of the committee, and this isn't to embarrass anyone, but no one can remember voting for this thing in the committee, yet the committee vote, as I understand it, was six to zero. Now someone said to me that he thought that it was four to zero. So I am not so sure what happened there, so that it is one of the reasons that I voted in favor of putting this on the table, so that I had an opportunity to kind of read through the minutes of the committee and find out what happened. I think that there are a lot of pluses and minuses in regard to this whole thing. Right now, I am leaning towards the minuses as opposed to the pluses. I will be happy to pass these things around.

SENATOR WHEELER: Senator Currier, the way that this bill is written now with all of the questions, do you think that this bill could be characterized as the incumbent protection act?

SENATOR CURRIER: Well, I suppose that it could be construed that way. I mean that if people read the directions on the form itself, if they read those directions, I think that they could probably follow it through in terms of the next logical generation of a progression from the old ballot, which has everybody listed by party affiliation. I don't know. One of the examples that we used this morning when we were discussing this, was in Derry, where they have ten Representatives. So all of the Republican Representatives would be listed first and then ten Democrats would be listed. Then above it, it states, vote for ten. If somebody voted for eleven, it would kick it out, so I am not sure about it.

SUBSTITUTE MOTION

Senator Roberge moved to **substitute recommit to committee for ought to pass.**

SENATOR BOURQUE: Senator Currier, would you believe, that this came out of a committee, ought to pass unanimously?

SENATOR CURRIER: Was unanimous, six to zero? I believe that, because that was what I was told?

SENATOR BOURQUE: Okay, but, would you believe?

SENATOR CURRIER: Yes, I do believe that if you are telling me that.

SENATOR BOURQUE: Would you believe, that this would save taxpayers money by putting this into effect in a lot of your towns, and that that was the testimony that was heard?

SENATOR CURRIER: I do agree with that. That was one of the aspects that I do agree with.

SENATOR BOURQUE: Would you believe that I just spoke to the secretary of state and he said that he did not have a problem with this, and that he would agree that it did save the taxpayers in the community a lot of money if it would pass today?

SENATOR CURRIER: I do believe that is correct, because I asked him those same questions, Senator.

SENATOR BOURQUE: Thank you very much.

SENATOR J. KING: Senator Currier, would you also believe, that this bill had the scrutiny of the 400 member House and it passed its way on to the Senate?

SENATOR CURRIER: That is a leading question. With all due respect to my friends on the other side of the wall here, I won't answer that.

Question is on the substitute motion to recommit to committee.

A roll call was requested by Senator Bourque.

Seconded by Senator Delahunty.

The following Senators voted Yes: MacDonald, Fraser, Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

The following Senators voted No: Lamirande, W. King, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

Yeas: 11 - Nays: 12

Motion to recommit fails.

Question is on ordering to third reading.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: Lamirande, W. King, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 12 - Nays: 11

Adopted.

Ordered to third reading.

HB 123, an act establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values. Transportation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 661-FN-A, an act relative to the highway and bridge betterment program. Transportation Committee. Ought to pass. Senator Lamirande for the committee.

Senator Lamirande offered a floor amendment.

5736B

Floor Amendment to HB 661-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the highway and bridge betterment program and establishing a committee to examine the problems of an inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire.

Amend the bill by replacing all after section 2 with the following:

3 Railroad Overpass Study.

I. There is created a committee to study the dangerous and inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire. The committee shall consist of the following members:

(a) Two members of the senate, one of whom shall be a member of the transportation committee and one of whom shall be from Coos county, appointed by the senate president.

(b) Two members of the house, one of whom shall be a member of the transportation committee and one of whom shall be from Coos county, appointed by the speaker of the house.

(c) The commissioner of the department of transportation, or designee.

(d) Three selectmen from the town of Dalton, appointed by the governor.

(e) Two representatives from the Guilford Vermont Railroad Company, appointed by the company.

II. The senate member from the transportation committee shall call the first meeting within 30 days of the effective date of this act. Legislative members shall receive mileage at the legislative rate.

III. Report. The committee shall submit a report of its findings and recommendations, including proposed legislation, to the governor, the senate president, the speaker of the house, and the senate transportation committee on or before November 1, 1994.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies the purpose of the highway and bridge betterment program and requires the betterment report prepared annually by the commissioner of transportation to use quantitative measures.

This bill also establishes a committee to examine the problems of a railroad overpass on NH 135 over the John's River in Dalton, New Hampshire.

SENATOR LAMIRANDE: Mr. President and members of the Senate, the amendment is strictly for a study committee. It is to study the dangerous and inadequate railroad overpass on New Hampshire highway 135 that is presently over the Johns River in Dalton, New Hampshire. The committee is going to consist of two members of the Senate, two members of the House, the Commissioner of the Department of Transportation, three selectmen from the town of Dalton, two Representatives from the Gilford and the Vermont Railroad Company, as they are the owner of the railroad that travels over the overpass. The purpose of the study committee is twofold: 1). The overpasses, in particular, the Dalton overpass, is not included in the 10-year Highway Plan. 2). There have been three fatalities that were attributed directly to this narrow overpass. It is the intention of the Department of Transportation as well as the selectmen from the town of Dalton, to form a study committee in order to be able to come up with a solution to the problem that now exists, i.e. an alternative to this means of egress or correcting the problem as it stands right now. I urge the support of the Senate.

Floor amendment adopted.

Ordered to third reading.

HB 1217-FN-LOCAL, an act relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges. Transportation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1294, an act extending the termination date of the lifesaver i.d. pilot program. Transportation Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1399, an act relative to the road toll on users of special fuel. Transportation Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1529-FN, an act relative to the apportionment, priority of and limitations on bridge betterment funds. Transportation Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1133, an act allowing organization members' spouses to assist at bingo games. Ways and Means Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Senator McLane moved to have **HB 1133**, an act allowing organization members' spouses to assist at bingo games, laid on the table.

Adopted.

LAID ON THE TABLE

HB 1133, an act allowing organization members' spouses to assist at bingo games.

HB 1380-LOCAL, an act prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations. Ways and Means Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1103, an act redefining the term "camp" for boys and girls. Wildlife and Recreation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1136, an act repealing the requirement that hunters expose the carcass of deer. Wildlife and Recreation Committee. Ought to pass. Senator Wheeler for the committee.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1430, an act repealing the annual commemorative rifle or shotgun lottery. Wildlife and Recreation Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1438, an act adopting the striped bass as the state saltwater game fish. Wildlife and Recreation Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

SENATOR RUSSMAN: I rise in opposition to the bill, not so much as on the merits of it as to what it does. But the fact that it really is, again, unnecessary legislation, just as I spoke about the last fish bill that we had. This one doesn't smell any better. I think that as a practical matter, again, our constituency doesn't send us here to name a saltwater fish or waste time, effort and money, on matters such as that. I certainly would ask the body to consider whether or not they want this type of legislation to keep continuing to come before us and take up our time and our taxpayers' money of the people that have sent us here.

Adopted.

Question is on ordering to third reading.

Division vote requested.

Yeas: 3 - Nays: 20

Motion of ordering to third reading fails.

Senator Russman moved inexpedient to legislate.

Adopted.

HB 1438 is inexpedient to legislate.

ANNOUNCEMENTS

SENATOR CURRIER (Rule #44): A lot of comments were made today about Senate courtesy and so forth. Part of the reason that I wanted to stand up today, was to speak about something that I have on my chest and which I would like to get off. One of the things that concerns me, is about some action that we took last session day. I do understand the politics of the situation, but it concerned me that when I asked the question . . . this is in re-

gard to the free speech bill that was on the table. We had, at the time, without pointing fingers or anything, at that time, what happened was, that the bill was introduced, and then it was immediately put on the table without any debate. I had proposed the question about when the debate would actually take place on the bill. My assumption was that it was going to take place when, in fact, we took the bill back off the table. The thing is, what happened was, because of the politics of this particular issue, that day, when we took it off the table, there was a roll call vote and then it was over. No debate ever took place on that bill. I don't care how you actually come down on the bill, whether you are for it or you're against it. But the fact is that the debate never actually took place on the Senate floor. It may have taken place somewhere else, but it didn't take place here, on the Senate floor. It kind of concerned me because there was a lot of discussion in the media and a lot of discussion here in the committee and among everybody. The thing is that it really bothered me to the point that I went to the Senate Journal to make sure that my recollection of everything was correct. Senator Russman was recognized before the other speaker and it was probably an error in that regard, but the thing is, is that when we are talking about courtesy here on the Senate floor, we need to be recognizing that courtesy goes a long way in some respects. But I mean, I am not sure that it goes to the extreme that because somebody feels a certain way about a bill that we have to do it. We have to think about the right and the wrong of the bill, and how we are going to address it. I think that in the final analysis, the bill probably may have died or passed, on its own merits. But I think that we need to take the time to make sure that the debate gets done here on the floor of the Senate. I just felt bad about it because this was a big issue and I was a cosponsor of that bill. I don't know how it happened that way. I don't know if when it came off the table that the final vote would have taken. I assumed that it would have died, but that is the assumption that I am making. Others had told me that they thought that it would pass and they didn't want it to pass, so that is why it stayed on the table. But the fact of the matter is, that I was under the assumption that the debate was going to take place on the floor of the Senate, maybe I was asleep at the switch when that came about, but I felt bad that we didn't. Not only for myself, but for Senator Colantuono who had worked and had taken a lot of heat on that bill. I just wanted to get that off my chest because I think that when we do this, we joke about Senate courtesy a lot sometimes, but we really need to be thinking about it a lot more than we are. Because sometimes it is important, and other times it isn't. We need to weigh it a little bit more, I think, as we are deliberating here, and as the decisions get more difficult for us as we proceed in the session.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that we be in recess for enrolled bills reports, amendments, introduction of bills and referral to committees, and that when we adjourn, we adjourn to the Call of the Chair.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 123, an act establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values.

HB 195-FN, an act relative to the sale of cider.

HB 267, an act correcting a reference in the stalking law.

HB 308, an act establishing a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU.

HB 449, an act relative to listing candidates on general election ballots.

HB 630-FN, an act relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers.

HB 661-FN-A, relative to the highway and bridge betterment program and establishing a committee to examine the problems of an inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire.

HB 1103, an act redefining the term "camp" for boys and girls.

HB 1114, an act relative to child support enforcement orders.

HB 1136, an act repealing the requirement that hunters expose the carcass of deer.

HB 1174-LOCAL, an act allowing the selectmen, under certain circumstances, to manage town real property.

HB 1190, an act authorizing the state to notify the victim of a sexual assault of the perpetrator's test results for HIV virus.

HB 1206, an act relative to the procedure to follow when an optional elected town office is discontinued.

HB 1231, establishing a committee to oversee the site selection, design and construction of a New Hampshire law enforcement memorial.

HB 1251, an act relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits.

HB 1255, an act making technical amendments to the limited liability company laws.

HB 1294, an act extending the termination date of the lifesaver i.d. pilot program.

HB 1335-FN, an act making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees.

HB 1371, an act relative to claiming the homestead right in a levy by sale of an execution on real estate.

HB 1380-LOCAL, an act prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations.

HB 1399, an act relative to the road toll on users of special fuel.

HB 1430, an act repealing the annual commemorative rifle or shotgun lottery.

HB 1449, an act relative to professional standards review organizations for physical therapists.

HB 1529-FN, an act relative to the apportionment, priority of and limitations on bridge betterment funds.

HCR 20, an act providing that long-term care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives.

HCR 27, an act encouraging federal legislation to recognize atomic veterans. Senator Disnard moved that we business of the day being completed that we adjourn to the Call of the Chair.

Adopted.

Adjourned to the Call of the Chair.

Out of Recess.**REPORT OF COMMITTEE ON ENROLLED BILLS**

The Committee on Enrolled Bills has examined and found correctly Enrolled the following House and Senate Bills:

HB 449, relative to listing candidates on general election ballots.

HB 1103, redefining the term "camp" for boys and girls.

HB 1294, extending the termination date of the lifesaver i.d. pilot program.

HB 1380, prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations.

HB 1399, relative to the road toll on users of special fuel.

HB 1430, repealing the annual commemorative rifle or shotgun lottery.

SB 515, relative to requirements for alternate jurors.

SB 553, repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake and permitting a dam to be constructed on Province Lake in the town of Effingham.

SB 642, relative to drug-free school zones and creating a special fund for providing and replacing zone signs.

SB 660, relative to settlements on behalf of minors.

SB 780, expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions.

SB 722, relative to petitions for declaratory judgments to determine insurance coverage.

SB 798, increasing the exemption amount from attachment and execution for certain personal property.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following House Bills:

HB 1336, relative to services which certain liquor licensees may perform with regard to beverage stocking and displays.

HB 1516, transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefore.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following House and Senate Bills:

HB 195, relative to the sale of cider.

HB 1174, allowing the selectmen, under certain circumstances, to manage town real property.

HB 1255, making technical amendments to the limited liability company laws.

SB 533, prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following House Bills:

HB 123, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values.

HB 308, establishing a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following House Bill:

HB 576, allowing Rockingham Park to avoid increased tax rates for 1995, 1996 and 1997 to repay the state for contributions to the purse fund by making a lump sum payment to the state.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following House Bills:

HB 541, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections.

HB 1136, repealing the requirement that hunters expose the carcass of deer.

HB 1251, relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits.

HB 1371, relative to claiming the homestead right in a levy by sale of an execution on real estate.

HB 1449, relative to professional standards review organizations for physical therapists.

HB 630, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following House and Senate Bills:

HB 1190, authorizing the state to notify the victim of a sexual assault of the perpetrator's test results for HIV virus.

SB 524, relative to the rulemaking authority of the pesticide control board and the labeling of pesticides.

SB 530, relative to town liability for riot damage.

SB 656, repealing the chapter regarding the subversive activities act.

SB 785, establishing a committee to review the current procedures of the central registry in the department of health and human services.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to Thursday, April 14, 1994 at 10:00 a.m.

Adopted.

LATE SESSION

Senator Disnard moved to adjourn.

Adopted.

Adjournment.

April 14, 1994

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

When things get hot around here, and I understand that is beginning to happen, the most valuable and the rarest commodity is political humility; that is, the ability to distinguish between your own opinion and what is actually best for the people. The quality of your effectiveness depends on healthy humility. Today is April 14. On a different April 14, John Wilkes Booth confused his opinion with what was best for his people. We have been paying the price ever since. So lead us and lobby us humbly, please! Great God of right, keep our opinions and actions this day rooted resolutely in the soil of Your loving correctness, not merely on the shifting sand of our own partisan and political correctness, for then the heat around here will generate some light with it.

Amen

Senator MacDonald led the Pledge of Allegiance.

HOUSE MESSAGE

The House of Representatives has passed the following Bills with the following titles, in the passage of which it asks the concurrence of the Senate HB 1050 - 1260.

INTRODUCTION OF HOUSE BILLS

Senator Delahunty RESOLVED, that in accordance with the list in the possession of the clerk, House bills numbered 1050-1260 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

First and Second Reading and Referral

HB 1050-FN, establishing the health care transition fund, making certain appropriations, and clarifying the procedure relative to the uncompensated care administration fund. Finance Executive Committee.

HB 1183-FN-LOCAL, providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members. Finance Executive Committee.

HB 1319-FN-A-LOCAL, requiring the state to fully fund the Augenblick formula by FY 1996. Finance Executive Committee.

HB 1260-FN-LOCAL, establishing a task force to study public education funding issues. Finance Executive Committee.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bill sent down from the Senate:

HB 576-FN-A, allowing Rockingham Park to avoid increased tax rates for 1995, 1996 and 1997 to repay the state for contributions to the purse fund by making a lump sum payment to the state.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 503-FN, relative to the practice of electrology and the collection of certain fees.

SB 515, relative to requirements for alternate jurors.

SB 524, relative to the rulemaking authority of the pesticide control board and the labeling of pesticides.

SB 530-LOCAL, relative to town liability for riot damage.

SB 533, prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board.

SB 536, relative to appropriations for the expansion of the port of Portsmouth.

SB 553, repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake and permitting a dam to be constructed on Province Lake in the town of Effingham.

SB 587, revising the penalty provision for carrying a weapon without a valid license.

SB 642-FN, relative to drug-free school zones and creating a special fund for providing and replacing zone signs.

SB 656, repealing the chapter regarding the subversive activities act.

SB 660, relative to settlements on behalf of minors.

SB 722, relative to petitions for declaratory judgments to determine insurance coverage.

SB 726-FN, changing the title of the division for children and youth services to the division for children, youth, and families.

SB 780, expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions.

SB 785, establishing a committee to review the current procedures of the central registry in the department of health and human services.

SB 798, increasing the exemption amount from attachment and execution for certain personal property.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 507-FN-LOCAL, increasing fees for bail commissioners.

SB 521, establishing a committee to study skiing accident laws.

SB 540, limiting rights of reversion relative to real property.

SB 654, establishing a committee to study the feasibility of instituting a statewide kindergarten program.

SB 678, establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Senate Bill sent down from the Senate:

SB 550-FN, relative to fees for filing documents with the insurance department.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 559, relative to international adoptions.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 559, relative to international adoptions.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 561, prohibiting the right of setoff against an individual retirement account or a simplified employee pension.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 561, prohibiting the right of setoff against an individual retirement account or a simplified employee pension.

Senator Delahunty moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 686, reclassifying a portion of Stratham Heights Road in the town of Stratham.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 686, reclassifying a portion of Stratham Heights Road in the town of Stratham.

Senator MacDonald moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 544-FN-LOCAL, relative to the requirements for sprinkler systems.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 544-FN-LOCAL, relative to the requirements for sprinkler systems.

Senator Currier moved concurrence.

Adopted.

NOTICE OF RECONSIDERATION

Senator Baldizar served notice on HB 1438, an act adopting the striped bass as the state saltwater game fish, whereby we voted it inexpedient to legislate.

HOUSE MESSAGE

The House of Representatives, as per the two-thirds-majority requirement of House Rule 34(b), has failed to introduce the following Senate Bills sent down from the Senate:

SB 529, limiting liability of trappers for certain accidents involving domestic animals.

SB 799, eliminating straight ticket voting on the ballot.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 786-FN-LOCAL, allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 786-FN-LOCAL, allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire.

Senator Russman moved concurrence.

Adopted.

COMMITTEE REPORTS

HB 622-FN, an act relative to solid waste management districts. Economic Development committee. Ought to pass with amendment. Senator Cohen for the committee.

5928B

Amendment to HB 622-FN

Amend RSA 53-B:2 as inserted by section 3 of the bill by inserting after paragraph IV the following and renumbering the original paragraphs V-VIII to read as VI-IX, respectively:

V. "Long-term contract" means a contract for solid waste management services for a term of 5 or more years between a district and an owner or operator of a solid waste management facility, unless the contract adopted by member municipalities stipulates a different term.

Amend RSA 53-B:3, VI as inserted by section 4 of the bill by replacing it with the following:

VI. The committee may revise the proposed district agreement as it deems necessary and shall resubmit it to the 2 state agencies as provided in paragraph V. A public hearing shall be held in at least one of the participating municipalities if the agreement is substantially revised. The committee may give final approval to a proposed agreement after approval by the attorney general.

Amend RSA 53-B:6-a as inserted by section 6 of the bill by inserting after paragraph XI the following and renumbering the original paragraphs XII and XIII to read as XIII and XIV, respectively.

XII. Any contracts by the district for specific purposes that are exempt from the contract limitation provisions under RSA 53-B:7, XX(a) and (c).

Amend RSA 53-B:7, VI(b) and (c) as inserted by section 7 of the bill by replacing them with the following:

(b) The governing body of each member municipality shall be given written notice of the amount of the debt and the general purposes for which it was authorized within 7 days after the authorization.

(c) If before the 45-day period has passed, the legislative body of any member municipality votes to disapprove of the debt, it shall not be incurred. The provisions of RSA 31:5 shall not apply to actions by special town meetings under this paragraph. A legislative body may disapprove the debt only if, under the terms and conditions of the district agreement, the municipality will incur obligations under RSA 53-B:7-c. After 60 days the district committee may again authorize the incurrence of debt which shall be subject to the rejection conditions of subparagraphs (a) and (c). A municipality which votes to reject 2 successive debt incurrences shall be allowed to withdraw from the district in accordance with the provisions of this chapter and the district agreement. If the municipality has not withdrawn within 60 days of the second debt rejection, the committee is authorized to incur the debt over the member municipality's rejection.

Amend RSA 53-B:7, XX as inserted by section 7 of the bill by replacing it with the following:

XX. To contract with any person who owns or operates any facility for the provision of solid waste management services. Such contract may be for any term of years, not in excess of 30, may provide for the delivery of guaranteed amounts of solid waste with payments based on such amounts whether or not actually delivered or with payments based on such amounts whether or not actually delivered or processed, and may contain such other terms and conditions as the district may determine to be in its best interest, provided that:

(a) No long-term contract shall take effect until 45 days after authorization by the district committee. If, before the 45-day period has passed, the district committee votes to disapprove of the debt, it shall not be incurred. The provisions of RSA 31:5 shall not apply to action by special town meetings under this paragraph. A district committee may disapprove the debt only if, under the terms and conditions of the district agreement, the municipality will incur obligations under RSA 53-B:7-c. After 60 days the district committee may again authorize the incurrence of debt which shall be subject to the conditions of this subparagraph.

(b) The governing body of each member municipality shall be given written notice of the general purposes of the long-term contract, a summary of the terms of the long-term contract, and a copy of the long-term contract within 7 days after the authorization.

(c) If, before the 45-day period has passed, any member town, at a town meeting called for the purpose, or the city council of any member city votes to disapprove of the long-term contract, it shall not take effect.

(d) The provisions of RSA 31:5 shall not apply to action by special town meetings under this paragraph. A legislative body may disapprove the debt only if, under the terms and conditions of the district agreement, the municipality will incur obligations under RSA 53-B:7-c. After 60 days the district committee may again authorize the incurrence of debt which shall be subject to the conditions of this subparagraph. A municipality which votes to reject 2 successive debt incurrences shall be allowed to withdraw from the district in accordance with the provisions of this chapter and the district agreement. If the municipality has not withdrawn within 60 days of the second debt rejection, the committee is authorized to incur the debt over the member municipality's rejection.

Amend RSA 53-B:7-b, II as inserted by section 8 of the bill by replacing it with the following:

II. A district may use the proceeds of bonds or notes to acquire land and to plan, construct and equip, *or purchase or otherwise acquire the use of*, [a refuse disposal facility] *one or more facilities, or to close one or more facilities*, and to create such reserve funds and to pay such costs of financing and capitalized interest as the [regional] district committee deems appropriate, or it may loan such proceeds to any person for such purposes in connection with a facility which by contract it has the right to use or which by contract will provide [disposal] *management* services to the district for a period at least equal to the period of the bonds *or notes*.

Amend RSA 53-B:8 as inserted by section 10 of the bill by replacing it with the following:

53-B:8 [Regional] District Committee.

I. The powers, duties, and liabilities of a [regional refuse disposal] district shall be vested in and exercised by a [regional refuse disposal] district committee organized in accordance with the *district* agreement. *The district committee shall authorize and govern all actions of a district, and the district committee's actions which are consistent with the district agreement and this chapter are binding on member municipalities without any additional action by the governing or legislative bodies of those municipalities. A majority of district committee representatives shall constitute a quorum, unless the district agreement provides for weighted voting, in which case a quorum shall consist of representatives holding more than 50 percent of the voting power. A simple majority of the voting authority present shall be sufficient to approve an action by the committee except as otherwise provided in the district agreement and with the following exceptions. An affirmative 2/3 vote of the total votes of the district committee shall be required to authorize the incurrence of long term debt or the dissolution of the district.*

II. The committee shall choose a chairman by ballot from its membership. It shall appoint a secretary and a treasurer, who may be the same person, but who need not be members of the committee, *and such other officers as may be provided for in the district agreement*. The treasurer shall receive and take charge of all money belonging to the district

and shall pay any [bill] *debt* of the district which has been approved by the committee. The treasurer may, by vote of the committee, be compensated for his services. *Proceedings of the committee shall be held in accordance with RSA 91-A.*

III. The committee shall send to the member municipalities, by January 31 of each year, an annual report on the general activities and affairs of the district, including a detailed financial report.

Amend RSA 53-B:10 as inserted by section 13 of the bill by replacing it with the following:

53-B:10 Audits. The district committee shall hire a certified public accountant or a public accountant licensed by the state under RSA 309-A:8 to conduct a financial audit, in accordance with generally accepted governmental auditing standards as adopted by the U. S. General Accounting Office and applicable state statutes, to be completed within 6 months after the close of each fiscal year. Upon completion of an audit, the district committee shall review and vote on acceptance of the audit and send a copy of the audited financial statements, the auditor's opinion on those statements, a report on internal control, a report on compliance, and any other auditor reports to the governing body of each of the member municipalities and to the department of revenue administration. At least every 2 years, the district committee shall vote on whether to contract for a performance audit of the district in accordance with the generally accepted governmental auditing standards. Upon completion of a performance audit, the committee shall review and vote on acceptance of the audit and send a copy of resulting materials to the governing body of each of the member municipalities and to the department of revenue administration.

SENATOR COHEN: HB 622, updates RSA 53-b dealing with solid waste management districts. I can tell you that I have had experience in representing my town of New Castle and such districts, and it was unfortunate how stagnated the whole process was. People wanted to get on with it, but it was just impossible to deal with. So this bill clarifies the issues that the towns should address, upfront, in their agreements, that they enter into in other towns running their solid waste districts. It also adds a check to this system with the division ensuring that before a district enters into a long-term contract for waste management services, that the towns will have a chance to vote on those contracts, just as they do in present law before a district incurs debt. The reason is to clarify for towns, what is involved in forming and functioning as a district to reduce the need for legal help and even special legislation that has plagued towns setting up districts in the past, and adds checks and accountability to the system. The committee recommends ought to pass.

SENATOR DISNARD: Senator Cohen, does this affect any district, especially the existing district, especially the voting procedures?

SENATOR COHEN: No, I don't believe so. If they have already formed in a district, they can still maintain their current agreement.

SENATOR DISNARD: Thank you, very much.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1184-FN-LOCAL, an act establishing a committee to study the foreign exchange student programs in New Hampshire. Education Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1293, an act amending the charter of the Union school district of Keene. Education committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HCR 29, a resolution clarifying legislative intent on issues of local school board control. Education committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 134, an act relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and repealing the law governing the sale of wood. Environment Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1151, an act prohibiting the use of certain motorized craft on Spoonwood Pond in the town of Nelson. Environment Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1171, an act relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services. Environment Committee. Ought to pass with amendment. Senator Lamirande for the committee.

5884B

Amendment to HB 1171

Amend the title of the bill by replacing it with the following:

AN ACT
relative to requirements for submission of plans for
sewage or waste disposal systems.

Amend the bill by replacing all after the enacting clause with the following:

1 Rules Prepared Under Supervision of Professional Engineer Required.

Amend RSA 485-A:35, II to read as follows:

II. Any person who desires to submit plans and specifications for a sewage or waste disposal system for his own domicile shall not be required to obtain a permit under this paragraph provided that he attests to his eligibility for this exemption in the application for construction approval. The division [may] *shall* adopt rules, *prepared under the supervision of a professional engineer licensed to practice engineering in the state of New Hampshire*, pursuant to RSA 541-A, relative to requiring a permit holder to be a [registered] *licensed* professional engineer with a civil or sanitary designation in order to submit applications for construction approval *or technical waivers* in certain complex situations. All fees collected pursuant to this paragraph shall be deposited with the state treasurer as unrestricted revenue.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the division of water supply and pollution control, department of environmental services to adopt rules prepared under the supervision of a professional engineer licensed to practice engineering in the state of New Hampshire.

SENATOR LAMIRANDE: Members were concerned about the language in HB 1171, to the qualifications for the position of administrator of the Sub-surface Systems Bureau, Division of Water Supply and Pollution Control, Department of Environmental Services. This bill simply requires administrators to have the qualifications as defined by the Board of Engineers to practice their profession. In New Hampshire, the Board of Professional Engineers, has sole jurisdiction over the practice of engineering. An exception should be made in subservience systems by allowing people who are not licensed professional engineers to design and install subservience systems. As this bill proposes, it would hold down the cost of design and construction and save taxpayers thousands of dollars. Please join me in supporting HB 1171.

Amendment adopted.

Ordered to third reading.

HB 1189, an act relative to emissions testing and establishing a committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act. Environment Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1367, an act creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation. Environment Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1413, an act relative to the report of the public water rights study committee. Environment Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1534-FN-LOCAL, an act establishing a task force to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee. Environment Committee. Ought to pass with amendment. Senator Russman for the committee.

5883B

Amendment to HB 1534

Amend section 3 of the bill by inserting after paragraph XI the following new paragraph:

XII. The director of the office of state planning, or designee.

Amend the bill by renumbering sections 5-9 to read as 4-8, respectively.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1568-FN-LOCAL, an act requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution. Environment Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HCR 31, a resolution urging that the northern forest of New Hampshire continue to be used to provide jobs for timber industry, recreation, and tourism. Environment Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I wish to express my gratitude and deep appreciation to Representative Paula Bradley for her tireless effort, which brought about HCR 31. I am very pleased to stand before my colleagues in the Senate, to urge you to support HCR 31 just as the Environment Committee unanimously did. This legislation urges Congress to support the Northern Forests Land Council's final recommendations, and to protect the rights of the citizens of the north country to play an intricate role in determining their future. By supporting this resolution, the legislature will send a strong message that the voices of the northern country are heard in Concord. More importantly, your support will demonstrate that we understand the vital connection between the economy of northern New Hampshire and its natural resources. And most importantly, a yes vote will indicate that we applaud the idea that the northern forest of New Hampshire continue to be used to provide jobs in the timber, recreation and tourism industry. Quite simply, this legislation asks our congressional delegation to make sure that the people of the north country have a seat at the table when any decisions are made about the future of the north country. On behalf of my constituents, I ask you to join the Environment Committee and myself in supporting this resolution.

Adopted.

Ordered to third reading.

HB 370, an act establishing a local government advisory committee. Executive Departments and Administration Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 387, an act relative to the use of gender neutral language in New Hampshire. Executive Departments and Administration committee. Ought to pass. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 388, an act relative to disclosures by the seller of real property. Executive Departments and Administration Committee. Ought to pass. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 410-LOCAL, an act relative to the appointment of a deputy town treasurer and the swearing in of town officers. Executive Departments and Administration Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 411-FN-LOCAL, an act relative to the hours of polling in cities and towns. Executive Departments and Administration Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1211, an act relative to the authority of municipal water departments and to fees charged by such departments. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Currier for the committee.

5821B

Amendment to HB 1211

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the authority of municipal water departments and to fees charged by such departments and relative to the Freedom Village Water Precinct.

Amend the bill by replacing all after section 8 with the following:

9 Freedom Village Water Precinct.

I. The legislature finds that the Freedom Village Water Precinct has been operating as a village district since at least 1913. The legislature further finds that the Freedom Village Water District was never properly established under state law, but otherwise has operated in substantial compliance with RSA 52 and its predecessor statutes.

II. The legislature hereby legalizes, ratifies and confirms all actions, votes and proceedings of the Freedom Village Water Precinct taken prior to the effective date of this act, including the \$235,000 bond issue for water upgrade voted on September 2, 1993.

III. The selectmen of the town of Freedom shall file with the secretary of state all information required under RSA 52:24. Upon completion of such filing, the Freedom Village Water Precinct shall be deemed a village district established in full compliance with RSA 52.

10 Effective Date.

I. Section 9 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the governing bodies of municipal water systems to pass ordinances or bylaws relating to the maintenance and operation of the municipal water systems. Penalties are provided for violations of the ordinances or bylaws.

The bill allows the governing bodies to assess construction and repair expenses for the water systems to the users of the system.

The bill clarifies the authority of water departments to levy water rentals, special assessments and hookup fees.

The bill clarifies the custody of an expenditure of special water department funds.

The bill also legalizes, ratifies and confirms all actions, votes, and proceedings of the Freedom Village Water Precinct taken prior to the effective date of this act. As the precinct was not properly established under state law, this bill provides a means to bring the precinct into compliance.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1337, an act relative to designating a managing broker in a real estate branch office in the event of a vacancy. Executive Departments and Administration committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1345, an act relative to payments to the state treasurer. Executive Departments and Administration committee. Ought to pass. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1356-FN, an act relative to the duties of the members and the director of the state veterans council. Executive Departments and Administration committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HJR 22, a resolution urging Congress to pass the Federal Mandates Relief Act of 1993. Executive Departments and Administrations committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: HJR 22 urges Congress to pass the Federal Mandates Relief Act of 1993. This would provide that federal mandates imposed upon state and local governments be fully funded. Unfunded mandates are crushing our state and local budgets. This issue is a very important one due to local governments that are required by these mandates to do certain projects. These regulations are the same whether it is in Boston or Bedford or any other town; however, if unfunded, there is quite a different impact on the budget between these communities. The government passing these mandates should take the responsibility of implementation of these regulations and help make them more workable for our local governments. I urge the passage of this resolution.

SENATOR SHAHEEN: I rise to speak to the committee report. I have some information, Senator Lovejoy, that I thought that you would find particularly interesting. I have here a memorandum from the Executive committee of NCSL. I happened to serve as Vice Chairman of the Federal Budget and Taxation Committee of NCSL, and we have been working on the whole issue of unfunded mandates for a number of years. This memorandum's subject is the unfunded mandates victory. They point out that on Friday, March 11, the U.S. House of Representatives approved the budget resolution for fiscal year 1995. The resolution contained sense of the congress language supplied by NCSL that opposes unfunded federal mandates and other cost shifts to state and local governments. And they go on to say that this victory is one of several positive unfunded mandate developments that have occurred over the past several months. He says, "as you recall, last October, President Clinton signed an executive order limiting the use of unfunded mandates in the executive branch. Over half of the membership of the House and Senate now appear as cosponsors of the Kempthorne" and Moran Mandate Relief Bills. We are making progress after years of hard work, and appreciate any help that you can provide as NCSL continues to push to curtail cost shifts to state governments." I thought, Senator Lovejoy, that you would be particularly interested that after 12 years of the Reagan, Bush administration, that it is President Clinton who signed the executive order limiting unfunded mandates.

SENATOR LOVEJOY: Let me just answer that, if I may, Senator. I am delighted that President Clinton is there to relish the hard work of the previous administration.

Adopted.

Ordered to third reading.

HB 1216, an act allowing the exclusion of certain corporate officers and members of limited liability companies from workers' compensation coverage. Insurance Committee. Ought to pass with amendment. Senator Russman for the committee.

5838B

Amendment to HB 1216

Amend the title of the bill by replacing it with the following:

AN ACT

allowing the exclusion of certain corporate officers and members
and managers of limited liability companies from
workers' compensation coverage.

Amend RSA 281-A:2, VIII(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A person, partnership, association, corporation, or legal representative of a person, partnership, association or corporation who employs one or more persons whether in one or more trades, businesses, professions or occupations and whether in one or more locations. In determining the number of persons employed, there shall be included persons whose contract of employment was entered into outside the state if such persons are actually employed on work in this state. For the purpose of determining the number of persons employed, executive officers elected or appointed and empowered in accordance with the charter and bylaws of a corporation *and limited liability company members and managers designated in accordance with a limited liability company agreement* shall not be considered to be employees, except that any executive officers *or limited liability company members and managers* in excess of 3 shall be counted as employees.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1252, an act allowing mail claims in certain instances in filing for unemployment compensation, relative to disqualification for benefits due to self-employment, and relative to eligibility requirements for benefits. Insurance committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1262-FN, an act relative to the compensation for medical, hospital, and remedial care under workers' compensation. Insurance committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1323-FN, an act requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates. Insurance Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1412, an act prohibiting any person who is receiving, or whose spouse is receiving, retirement system benefits from serving as a member of the New Hampshire retirement system board of trustees. Insurance Committee. Inexpedient to legislate. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of Inexpedient to Legislate.

Committee report of inexpedient to legislate is adopted.

Senator Disnard Rule #42 on HB 1412.

HB 1552-FN-LOCAL, an act relative to the certification of employer contributions by the retirement system board of trustees. Insurance committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 404, an act relative to the prohibited coercion of employees to make political contributions. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

5887B

Amendment to HB 404

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Business Organization Defined. Amend RSA 664:2 by inserting after paragraph XI the following new paragraph:

XII. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, and includes any enterprise which is expressly made exempt from income taxation under the United States Internal Revenue Code of 1986. It does not include a political committee as defined in RSA 664:2, III, or the political committee of a political party, as defined in RSA 664:2, V.

Amend the bill by deleting sections 2 and 7 and renumbering the original sections 3-8 to read as 2-6, respectively.

AMENDED ANALYSIS

This bill prohibits a business organization from coercing or attempting to coerce one of its employees or any contractor or subcontractor or an employee thereof doing business with the business organization, to make a contribution to any political campaign, political committee, candidate, party, or cause.

The bill adds the definition of "business organization" to RSA 664 for the purpose of prohibiting the coercion of political contributions.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1124, an act extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county. Judiciary Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1147-FN, an act relative to parental liability for support of dependent children on public assistance. Judiciary Committee. Ought to pass with amendment. Senator Baldizar for the committee.

5885B

Amendment to HB 1147-FN

Amend the bill by replacing section 1 with the following:

1 Creation of Support Debt. RSA 161-C:4 is repealed and reenacted to read as follows:

161-C:4 Creation of Support Debt.

I. Any payment of public assistance made to or for the benefit of a dependent child creates a debt due and owing to the division by any responsible parent. Except as otherwise provided in RSA 161-C:5, the amount of the debt shall be equal to the calculation of a weekly child support obligation derived in accordance with RSA 458-C:3 as applied to the responsible parent's current income, multiplied by the number of weeks that public assistance was paid or the total amount of public assistance that was paid, whichever is less.

II. The court may consider the extenuating circumstances in RSA 458-C:5 when calculating the support debt to be paid by a responsible parent.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1157, an act extending the time for a motion for rehearing under RSA 541. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1164, an act requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1176-FN, an act requiring a writ of habeas corpus to be filed in the superior court of the county in which the person is incarcerated. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1188, an act increasing the penalty for killing a police dog or police horse. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1207-FN, an act relative to the administration of small estates. Judiciary Committee. Ought to pass. Senator Podles for the committee.

Senator Podles offered a floor amendment.

5996B

Floor Amendment to HB 1207-FN

Amend RSA 554:1-a as inserted by section 2 of the bill by replacing it with the following:

554:1-a Waiver of Administration. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving spouse is named in the will as the sole beneficiary of the deceased's estate and has also been nominated and appointed to serve as executor, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets; provided, however, that any interested creditor may petition for a full administration of the estate within 6 months after the original grant of administration, and such petition may be granted by the probate court for good cause shown. Administration of the will shall be completed upon the filing of an affidavit with the court, such filing to occur not less than 6 months nor more than one year from the date of appointment of the executor, stating that to the best of the knowledge and belief of the executor there are no outstanding debts or obligations attributable to the deceased's estate.

AMENDED ANALYSIS

This bill waives the administration of an estate where the administrator or executor is a surviving spouse and sole heir, except that a creditor may petition for a full administration for good cause. The administration of the will shall be complete when an affidavit has been filed with the court stating that there are no outstanding debts or obligations attributable to the deceased's estate. The affidavit is to be filed by the executor not less than 6 months, nor more than one year from the date the executor was appointed.

The bill also changes the amount of a small estate to over \$500 but under \$10,000. Such a small estate under current law is over \$500 but under \$5,000.

SENATOR PODLES: This was an amendment that was supposed to be put on in committee, but because we had so many bills, this was omitted. So I am presenting it as a floor amendment. What it does is, it starts from the fourth line from the bottom, "less than six months or more than one year." That is the thing that was put in. That merely puts a time frame into place for the filing of the affidavits stating that the estate is free of debts. That is all that it does.

Floor amendment adopted.

Ordered to third reading.

HB 1247, an act allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances. Judiciary Committee. Ought to pass with amendment. Senator Baldizar for the committee.

5903B

Amendment to HB 1247

Amend RSA 265:83 as inserted by section 1 of the bill by replacing it with the following:

265:83 Arrest Without a Warrant. Notwithstanding any other *statutory* provision of law to the contrary, a [peace officer] *law enforcement officer* may, without a warrant, arrest any person involved in a traffic accident when the officer has probable cause to believe that such person [has violated the provisions of RSA 265:82 or 82-a] *has committed an offense, an element of which is driving under the influence of intoxicating liquors, controlled drugs or both. Notwithstanding any statutory provision of law to the contrary, a law enforcement officer may make such an arrest in such officer's own jurisdiction or on the property of any medical facility in another jurisdiction in this state where the person or others are taken for treatment for injuries suffered in such traffic accident.*

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1300-FN-A, an act requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation. Judiciary Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1364, an act changing the renewal date for a license to carry a pistol or revolver. Judiciary Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1369, an act requesting the judicial council to study issues regarding faxed documents. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1392, an act making a second or subsequent obscenity violation a class B felony and modifying a definition of sexual conduct. Judiciary Committee. Ought to pass. Senator Hollingworth for the committee.

Senator Pignatelli moved to have **HB 1392**, an act making a second or subsequent obscenity violation a class B felony and modifying a definition of sexual conduct, laid on the table.

Recess.

Out of recess.

Senator Pignatelli withdrew her tabling motion.

SENATOR PIGNATELLI: I would just like to say a word or two about my feelings about how this is not related to artwork and it is related to other kinds of pornography and obscenity. I have some real concerns about censorship in the area of artwork and literature. I don't want this to lead us down the slope to censorship and problems with our artists in this state and in the country. Thank you very much.

SENATOR HOLLINGWORTH: What this bill does is that it adds a subsequent obscenity violation. It makes it a class B felony, and it modifies the definition of sexual conduct. This bill clarifies the definition of sexual conduct to bring it in line with the recent Supreme Court ruling and decision. It does not change the definition. The bill also increases the penalty of a second subsequent obscenity violation to a class B felony. The bill does not infringe upon freedom of speech. It merely puts more teeth into the current law which would allow county attorneys the opportunity to prosecute people who have violated the community standards for obscenity that are currently on the books. The committee recommends ought to pass.

Adopted.**Ordered to third reading.**

HB 1455, an act making technical amendments to the business corporations laws and clarifying the limitation of liability of officers. Judiciary committee. Ought to pass with amendment. Senator Podles for the committee. 5900B

Amendment to HB 1455

Amend section 1 of the bill by replacing it with the following:

1 Clarifying Liability of Officers in Articles of Incorporation; Making Technical Corrections. Amend RSA 293-A:2.02(b)(4) to read as follows:

(4) A provision eliminating or limiting the liability of a director, an officer, or both, to the corporation or its shareholders for money damages for any action taken, or any failure to take any action, as a director **or an officer**, except liability for:

[A] (i) The amount of a financial benefit received by a director **or an officer** to which he is not entitled;

[B] (ii) An intentional infliction of harm on the corporation or the shareholders;

[C] (iii) A violation of RSA 293-A:8.33; or

[D] (iv) An intentional violation of criminal law.

SENATOR PODLES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.**Ordered to third reading.**

HB 1477, an act changing the judicial district for Thompson and Meserve's Purchase. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.**Ordered to third reading.**

HB 1536-FN, an act authorizing the court to issue emergency temporary orders telephonically. Judiciary Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 325, an act allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates. Public Affairs Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1222, an act requiring that recounts of certain secret ballot votes take place at the town or school district meeting. Public Affairs Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1238-LOCAL, an act relative to time computation for purposes of statutory construction. Public Affairs Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1410, an act relative to zoning board of adjustment rehearings. Public Affairs Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1411-LOCAL, an act enabling municipalities to establish geographic information systems and charge fees for their use. Public Affairs committee. Ought to pass with amendment. Senator J. King for the committee.

5904B

Amendment to HB 1411-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

enabling municipalities and counties to establish geographic information systems and charge fees for their use.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Geographic Information Systems. Amend RSA 24 by inserting after section 13-b the following new section:

24:13-bb Geographic Information Systems.

I. Any county may establish computer-based geographic information systems and control the distribution of that information, subject to RSA 91-A. The county may finance the completion and perpetuation of the system through a special revenue fund or through nonprofit corporations. The county may charge fees for the use of the system.

II. Notwithstanding any other provision of law, for the purposes of paragraph I of this section, the county convention of any county, may vote to restrict revenues from a specific source to expenditures for specific purposes. Such revenues and expenditures shall be accounted for in a special revenue fund separate from the general fund. Any surplus in any fund created under this paragraph shall not be deemed part of the general fund accumulated surplus nor shall any surplus be expended for any purpose or transferred to any appropriation until such time as the county convention votes to appropriate a specific amount from said fund for a specific purpose related to the purposes of this section.

2 New Section; Geographic Information Systems. Amend RSA 31 by inserting after section 95-e the following new section:

31:95-f Geographic Information Systems. Any town may establish computer-based geographic information systems and control the distribution of that information, subject to RSA 91-A. The town may finance the completion and perpetuation of the system through establishing a special revenue fund under RSA 31:95-c and 31:95-d or through nonprofit corporations. The town may charge fees for the use of the system.

3 New Section; Geographic Information Systems. Amend RSA 47 by inserting after section 11-b the following new section:

47:11-c Geographic Information Systems. Any city may establish computer-based geographic information systems and control the distribution of that information, subject to RSA 91-A. The city may finance the completion and perpetuation of the system through establishing a special revenue fund under RSA 47:1-b and 47:1-c or through nonprofit corporations. The city may charge fees for the use of the system.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows municipalities and counties to establish computer-based geographic information systems, control the distribution of information subject to the right-to-know law, and charge fees for the completion and perpetuation of the system through special revenue funds or nonprofit corporations.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 459-FN-A, an act establishing a program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. Public Institutions, Health and Human Services Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1119, an act authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator J. King for the committee.

5811B

Amendment to HB 1119

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus, and relative to certain technical changes in the mental health laws.

Amend the bill by replacing section 2 with the following:

2 Reference Change. Amend the introductory paragraph of RSA 135:21-b to read as follows:

A physician licensed in the state or a person acting under his direction may administer a recognized and approved form of medical or psychiatric treatment which the physician reasonably believes will tend to promote the physical and mental health of a patient of the New Hampshire hospital, Laconia developmental services, Glenclyff home for the elderly, any community mental health or mental retardation program or treatment facility receiving state grants under RSA 126-B or RSA 171-A, or any other treatment facility designated as a receiving facility under RSA [135-B] **135-C**, when:

3 Reference Change. Amend RSA 135:21-b, II to read as follows:

II. The patient because of physical or mental condition is unable to make an informed decision, as defined in RSA [135-B:2, X] **135-C:2, IX**, with respect to the medical or psychiatric treatment offered; and

4 Reference Change. Amend RSA 171-A:2, XIII to read as follows:

XIII. "Mental illness" means mental illness as defined in RSA [135-B:2, XI] **135-C:2, X**.

5 Reference Change. Amend RSA 464-A:9, III-a to read as follows:

III-a. If a petition is filed pursuant to RSA 464-A:4 for the appointment of a guardian of the person or of the person and the estate for a person admitted for in-patient treatment on an involuntary **emergency** basis as provided in RSA [135-B:19-41] **135-C:27-33 or on an involuntary basis as provided in RSA 135-C:34-54**, the probate court shall render a decision on such petition in accordance with the provisions of this chapter within 45 calendar days of the filing of the petition.

6 Reference Change. Amend RSA 547-B:3, I to read as follows:

I. Notwithstanding any other provision of law to the contrary, when nomination of a guardian is required under RSA [135-B:42, RSA 138-A:3-a,] **135-C:60** or RSA 171-A:10, and there is no relative, friend, or other interested person available, willing, and able to serve in such a capacity, the probate court may appoint the public guardianship and protection program as guardian of the person, estate, or both person and estate, as may be deemed appropriate.

7 Reference Change. Amend RSA 547-B:6, I to read as follows:

I. The division of mental health and developmental services, department of health and human services, with the approval of the governor and council, shall contract with one or more organizations approved by the New Hampshire supreme court which shall be designated the public guardianship and protection program and which shall provide guardianship services pursuant to RSA 464-A, as required by RSA [135-B:42, RSA 138-A:3-a,] **135-**

C:60 and RSA 171-A:10. The contract shall fix the cost per guardianship and shall permit the contracting organization to subcontract for such consulting services as may be necessary to carry out the program's guardianship responsibilities. The compensation for operation of the public guardianship and protection program shall be such sums as may be fixed by the contract, subject to the appropriations made therefor.

8 Reference Change. Amend RSA 547-B:7 to read as follows:

547-B:7 Services to other Clients. Nothing in this chapter shall prevent an organization designated as a public guardianship and protection program from providing guardianship or other services to any individual when such services are not mandated by RSA [135-B:42, RSA 138-A:3-a] **135-C:60** or RSA 171-A:10, except that no funds furnished under a contract entered into pursuant to RSA 547-B:6 shall be expended for services provided to such other individuals.

9 Reference Change. Amend RSA 622:45, I and I(a) to read as follows:

I. Any person subject to an involuntary admission to the state mental health service system pursuant to RSA [135-B] **135-C** may at any time be transferred to the unit upon a determination that the person would present a serious likelihood of danger to himself or to others if admitted to or retained in a receiving facility in the state mental health services system. The admission to the unit may be ordered by:

(a) A probate court pursuant to RSA [135-B:26-41] **135-C:34-54**; or

10 Reference Change. Amend RSA 651:11-b to read as follows:

651:11-b Rights of Persons Transferred to State Hospital. Persons committed or transferred to the state hospital pursuant to this chapter shall be granted the rights set forth in RSA [135-B:42-46] **135-C:55-59**.

11 Repeal. The following are repealed:

I. RSA 94:5-a, relative to unclassified employees of New Hampshire hospital.

II. RSA 99:2-b, relative to classified employees of New Hampshire hospital.

12 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the 1993 capital budget by giving the commissioner of the department of health and human services authority to use up to \$200,000 of the department's appropriation for the capital costs required to relocate the state day care center to another site on the New Hampshire hospital campus.

The bill also makes certain technical changes in the mental health laws, and repeals certain provisions relating to employees availing themselves of services provided by New Hampshire hospital.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1447-FN, an act making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator Baldizar for the committee.

5839B

Amendment to HB 1447-FN

Amend the title of the bill by replacing it with the following:

AN ACT

making communications of advanced registered nurse practitioners privileged, extending certain duties to ARNPs and establishing a study committee.

Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4, respectively.

Amend RSA 326-B:32, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Sexual misconduct subject to disciplinary action may mean sexual relations with a patient or a former patient which shall be considered sexual misconduct and shall be subject to disciplinary action under RSA326-B:12, II(c) and the duty to inform established in this section. The board, in consultation with the board of registration in medicine and the board of examiners of psychology and mental health practice, shall adopt rules pursuant to RSA 541-A for psychiatric/mental health advanced registered nurse practitioners relative to sexual misconduct and other inappropriate behavior subject to disciplinary action.

Amend the bill by replacing section 4 with the following:

4 Committee Established; Membership. There is established a committee to study the issue of temporary licensure for nationally certified advanced registered nurse practitioners. The committee shall also examine the current licensing procedures under RSA 326-B:10. The members of the committee shall be:

I. One member of the house of representatives, appointed by the speaker of the house.

II. One member of the senate, or designee, appointed by the president of the senate.

III. One public member, appointed by the governor.

IV. The director of the division of public health services, or designee.

V. A representative of the New Hampshire board of nursing, appointed by the board.

VI. A registered nurse, appointed by the New Hampshire Nurses Association.

VII. A representative of each of the following practice categories, appointed by the New Hampshire Nurse Practitioners Association:

(a) A certified registered nurse anesthetist.

(b) A psychiatric mental health clinical nurse specialist.

(c) A primary care nurse practitioner.

(d) A certified nurse midwife.

5 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the house member within 30 days after the effective date of this section. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

6 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, 1994.

7 Effective Date.

I. Sections 4-6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends RSA 326-B, the nurse practice act, by:

(a) Granting privileged communications to advanced practice registered nurses.

(b) Extending the "duty to warn" to psychiatric/mental health advanced registered nurse practitioners and other advanced practice registered nurses.

(c) Applying the sexual misconduct prohibition and the duty to inform to psychiatric/mental health advanced registered nurse practitioners.

The bill also establishes a committee to study the issues of licensure procedures and temporary licensure for nationally certified advanced registered nurse practitioners.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1543-FN-A, an act relative to interest from youth development center resident trust accounts, allowing the administrator to establish other accounts, and changing the title of the "bureau of secure care" to the "bureau of residential services." Public Institutions, Health and Human Services Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1582-FN, an act relative to state house health services. Public Institutions, Health and Human Services Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 127-FN, an act relative to private lease of state railroad real estate. Transportation committee. Ought to pass. Senator MacDonald for the committee.

SENATOR DISNARD: Senator MacDonald, on page two, II, it eliminates the first offering of at least until the political subdivision. Are there any areas where there is a beach that could be involved and that a community could be desirous of the same opportunity to rent or lease the beach along some waters? This relates to waterways, such as the lakes or any types of waters. What happens if a political subdivision wishes to . . . I don't know if there are any, but what if they wish to lease a beach for the benefit of the public and this indicates that that is not possible?

SENATOR MACDONALD: You see, our biggest problem is between, what I call Lakeport and Laconia which is part of Lakeport. Going up the track up towards Meredith, along that stretch right there, what happened is that the Highway Department shut off all of the people who lived on the other side of the tracks. So what we are trying to do under this bill is, to set up a lease agreement with those people. That is the main problem right there, with that section of the railroad going up through there. We have a lot of people over a period years that lived down off that section and they had received approval from the Department of Safety and had put their docks in, but they didn't get approval from the state. What we are trying to do is to get a little bit of money out of it.

SENATOR DISNARD: I appreciate the explanation, but my question is, are there any areas where section, II, would eliminate a community from leasing a beach if such a beach should exist?

SENATOR MACDONALD: There is no intent, and then you have to have the Long Range Capital Planning Board Committee look at it, and you have to go before the committee anyway for any change in ownership. I don't know of any situation like that. Do you have one in your area?

SENATOR DISNARD: I don't know, I am asking you the question. You're the Chairman of the Transportation. I want to know what the reason is for section II?

SENATOR MACDONALD: The reason is to take back the state owned land that is being used by other people. And the other reason is, is to give people proper legal access to the property on the waterfront. I don't know of any area like what you are talking about. If you have an area like that, I will check on it.

SENATOR DISNARD: No, I was just asking you a question. To the knowledge of your committee, would any community be penalized by this, that is all that I am asking?

SENATOR MACDONALD: No, they wouldn't.

SENATOR DISNARD: That is all I was asking.

SENATOR MACDONALD: Even Wolfeboro, we own the railroad.

Adopted.

Ordered to third reading.

HB 1117, an act relative to new motor vehicle arbitration. Transportation Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1173, an act prohibiting a right turn on red when a walk signal is on. Transportation Committee. Interim study. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I move the adoption of the committee report of interim study.

Adopted.

HB 1173 is sent to interim study.

HB 1419-FN-LOCAL, an act relative to calculation of fees for motor vehicle registration permits. Transportation Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1474-LOCAL, an act allowing towns to maintain emergency lanes on class VI highways and private ways. Transportation Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1272-FN, an act requiring the pari-mutuel commission to pay for certain laboratory urine tests. Ways and Means Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: Up in Belmont, we have a small dog track. I am no expert, this is my first term in the Senate on this kind of thing. I don't know much about it, okay. It is a hard one to bring up, but what has happened, is that Belmont has tried to run more races in more volume, but what is happening is, that every day that they are doing business, the handle has gone down. What we are trying to do is to give them a little relief up there so that they can keep running their good operation. Over a period of a year, they are making us money. I have the figures if anyone wants them, they're on my desk. This is an odd situation when you have to have a urine test. It is like a blood test.

Senator Blaisdell offered a floor amendment.

5982B

Floor Amendment to HB 1272-FN

Amend the bill by replacing all after section 2 with the following:

3 Date Extended. Amend the introductory paragraph of RSA 284:22-a, II(a) to read as follows:

II.(a) During the calendar years 1941-[1999] **2009**, a licensee may sell pari-mutuel pools on races held at racetracks other than the racetrack at which the licensee conducts its race meet, provided:

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows the pari-mutuel commission to pay for the costs of certain laboratory urine tests of licensees required under RSA 284:20-e.

This bill changes the source of funding for laboratory testing.

This bill also extends the calendar years during which a licensee may sell pari-mutuel pools on races held at racetracks other than the racetrack at which the licensee conducts its race meet, provided that certain conditions are met.

SENATOR BLAISDELL: When we passed the Rockingham Park payback bill where the state is going to get \$3 million, they forgot to put in to extend the simulcast to 1999 to 2009. That is all that it does. We extended the other racing, but simulcast has to be in there.

SENATOR LOVEJOY: Senator MacDonald, I am curious. I would like to know how they get those tests?

Floor amendment adopted.

SENATOR SHAHEEN: Senator MacDonald, can you tell me how this bill compares to what we are doing on testing at all of the other tracks in the state?

SENATOR MACDONALD: Are we still on the urine bill?

SENATOR SHAHEEN: We have already done the floor amendment, now we are back on your bill and I have a question.

SENATOR MACDONALD: Yes. The only thing at Belmont, they are trying harder to keep the track open more days. And by staying open more

days, they are running into financial problems. This is one of two bills that will be coming along about Belmont Track. It also includes, Plymouth harness racing. We don't have too many harness racing places left. That was the second one on here that we forgot about.

SENATOR SHAHEEN: Let me see if I can ask that again.

Recess.

Out of recess.

SENATOR MACDONALD: This test would be taken the same way that it is taken over at the Rochester Fair. That is fairly close to your district and you may enjoy going over to see the full operation.

Ordered to third reading.

HB 1382, an act creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund. Ways and Means Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 210, an act limiting the use of off highway recreational vehicles near occupied residences. Wildlife and Recreation committee. Ought to pass with amendment. Senator Wheeler for the committee.

5770B

Amendment to HB 210

Amend the title of the bill by replacing it with the following:

AN ACT

limiting the operation of closed-course competition OHRV's.

Amend the bill by replacing all after the enacting clause with the following:

1 Operation of Closed-Course Competition OHRV's. Amend RSA 215-A:12, V to read as follows:

V. No person shall operate in this state any trail bike or other OHRV which is designed, constructed and sold solely for closed-course competition **and is without a headlight and a tail light**. The provisions of this paragraph shall not apply to trail bikes or OHRVs operated at approved OHRV competitions, [on the OHRV owner's land,] or when the exhaust system is modified to comply with the provisions of RSA 215-A:12, IV and RSA 224:52.

2 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill prohibits any person from operating an OHRV designed for closed course competition, except at an approved OHRV competition unless it is equipped with a muffler and a spark arestor.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 610-FN, an act requiring joint registration for primary craft and their tender. Wildlife and Recreation Committee. Ought to pass. Senator Wheeler for the committee.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1154, an act establishing a committee to study the feasibility of establishing a separate arbitration board for recreational vehicle defects. Wildlife and Recreation Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1304, an act relative to licensure of humane societies without animal shelters. Wildlife and Recreation Committee. Inexpedient to legislate. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1463, an act modifying the definition of angling. Wildlife and Recreation Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

Recess until 1:00 p.m.

Out of recess.

HB 656-FN, an act to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. Insurance Committee. Ought to pass with amendment. Senator Blaisdell for the committee.

5741B

Amendment to HB 656-FN

Amend the bill by replacing section 2 with the following:

2 Medical Benefits Extended for Permanent Policemen Members. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 1988, *and to persons who are group II permanent policemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, 1991.* Such additional benefits shall not apply to *other* persons who become members of group II after June 30, [1988] **1991**, without future legislation to include them. It is the intent of the legislature that future

group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1553-A, an act making a capital appropriation to the supreme court for the design of an administrative office building. Capital Budget Committee. Ought to pass. Senator Wheeler for the committee.

Senator Fraser moved to have **HB 1553-A**, an act making a capital appropriation to the supreme court for the design of an administrative office building, laid on the table.

Adopted.

LAID ON THE TABLE

HB 1553-A, an act making a capital appropriation to the supreme court for the design of an administrative office building.

HB 1394, an act reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle. Judiciary Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: The committee recommended a vote of ought to pass on this bill.

SENATOR COLANTUONO: As a member of the committee, I voted against the bill in committee, and I rise in opposition to the committee report. I urge a no vote on the ought to pass motion. I intend to offer a motion of inexpedient to legislate. This bill relates to persons who are convicted of being habitual offenders in this state. Now this has been a subject that has been around for a while. We have passed several different bills in this bill over the last several years, all of them generally weakening this measure. This bill is designed to get the worst drivers in our state off the roads and keep them off the roads, this law, rather. To become a habitual offender, you have to commit within a five year period, at least 12, what they call minor motor vehicle violations, which include just speeding and yellow line violations. Those are the only two. Or, you have to commit three, what they call, major violations, like reckless driving, drunk driving and things like that, or any combination of two majors and four minors, or, one major and eight minors; all within a five year period. Once you are declared to be a habitual offender, if you drive after that point, during that period of suspension, then the current law says that you have to serve a mandatory year in jail. Now we have weakened that law in two dramatic respects in recent years. First of all, it used to say that if you were an adjudicated habitual offender, you lost your license for four years. Recently, we passed a law that said that the DMV has discretion to take away your license from one to four years. So a person with all of those convictions could possibly only lose it for one year. Then we took that one mandatory year in prison, and we said that that would only apply if some of the underlying offenses are alcohol related. So right now, we are only talking about the very worst drivers who have alcohol related offenses, who have driven in violation of an order not to drive from the DMV, and habitual offender proceeding. The original intent of this bill was to do away with the mandatory prison. The House committee didn't like that and they passed this compromised amendment to say that you

have to serve at least six months. Now one of the problems with this bill, is that a six month sentence has to be served at the County House of Corrections, thereby taking these people out of the state system and putting it onto the county system, which of course is funded by your property taxes and not by the state General Fund. So for that reason, fiscal reasons, but also mainly for the reasons that this bill is just becoming too soft on people who are the worst drivers and the worst scofflaws in our society. We have already weakened this bill tremendously over the last several years. I think that this just gives out the wrong signals to the general public and the driving public. I mean, we just passed a bill to take away someone's license for their life if they have four convictions of DWI within seven years. We have passed other bills to toughen up the penalties for driving and why would we want to pass a bill that is giving criminals who thumb their noses at our laws, a bigger break? For those reasons, I oppose the bill, and I urge a no vote on ought to pass.

SENATOR BARNES: Senator Cohen, I would like to ask a question, you were on the committee that heard this bill, why? I don't understand why, when we have bills going through here to toughen things up and make the highways safer. Then all of a sudden we have something like this. Please explain it to us, why this is here?

SENATOR COHEN: I am glad that you asked. This has nothing to do with softening anything up. This is still a very tough sentence. Judges can be as tough as they want to be. Judges need the discretion. There are very few situations right now, where we have minimum required sentence. That is for murder, drunk driving, and for this. Six months in jail is still a very tough sentence. It is a very tough sentence for people to be deprived of their income, to break up families. This is, in fact, a very tough sentence. Another reason that the committee approved this four to one, was because it will save the state some money, about \$5 million. There is no reason why the judges can't sentence people to longer terms. But the six month sentence is a significant deterrent. It is certainly swift and certain punishment. This is in keeping with all of our other laws on this.

SENATOR BARNES: While I think that it is laudable that you want to save \$5 million, I think that we have to be careful, because pretty soon we can save a lot and just close the state prison down and let everybody out if we are going to go on that premise. Sometimes I think that we have to spend money to protect the people in our society, would you believe?

SENATOR COHEN: How much do you want to spend on prisons? Right now we have prisons that are there . . . I don't know if I can answer a question with a question, but, we have prisons that are there and they are getting full. We have to tell our young people that they will be sentenced for serious crimes right now. This will be a situation if we don't change this, where people will have to spend a year in jail for being drivers, but the message will go out there that if you are a drug dealer, who deals with drugs that are the result of the death of somebody, there is no minimum sentence there for that.

SENATOR BARNES: Maybe you and I can sponsor a bill next session, that will take care of that end of things?

SENATOR COHEN: Perhaps so. But this doesn't accomplish the goals that we want it to. This is still swift and certain punishment which will be a significant deterrent to these kinds of offenses.

SENATOR PODLES: Senator Colantuono, isn't it true that judges do have discretion in this case. That they can sentence someone to more than six months if they want to?

SENATOR COLANTUONO: Yes, it is. But the way that the real world works is, once you loosen something up, with the pressure from the defense attorneys and the prosecutors to move cases around and plea bargain things down to the lowest possible minimum, normally what is going to happen is that the toughest sentence that anyone is going to get is the six month sentence.

SENATOR PODLES: Do you remember what the figure was on habitual offenders? The total habitual offenders that we now have?

SENATOR COLANTUONO: The total number in prison was something like 77. The total number of habitual offenders is obviously much higher than that, because you have many out there that are driving and not getting caught for this.

SENATOR PODLES: Would you believe, that there are 277? And would you believe, that it used to cost us \$18,000 to keep somebody in jail? Now it is \$22,000?

SENATOR COLANTUONO: Yes, I do believe that. But I don't want to put the cost of keeping these people onto the property taxpayers. I think that this is a function that the state fund should carry.

SENATOR BALDIZAR: Senator Cohen, when we were discussing this in committee, and we were talking about habitual offenders, in that context of what the bill applies to, weren't we talking about people who were in violation of parking tickets and speeding tickets and not necessarily repeat offenders under the DWI statute, but we were talking about minor offenses?

SENATOR COHEN: TAPE INAUDIBLE. We could be talking about a penalty for false statements relative to payment of a resident tax, many different things here, fraud in the application of a driver's license, disobeying an officer, highway markings, just any number of different offenses. All of which we need to deal with in a serious manner. I believe that we will still be doing that by having a minimum of six months.

SENATOR BALDIZAR: Thank you. Would you agree that this bill keeps it in the proper perspective?

SENATOR COHEN: I absolutely would agree.

SENATOR BARNES: Senator Cohen, did I just hear you say that, maybe I didn't hear you say, that is why I am asking you this. Did I hear you say that this has nothing to do with anyone that possibly could be a habitual offender because of DWI? I am hearing parking tickets and that they didn't pay the bill. But did I hear you say that it has nothing to do with DWI?

SENATOR COHEN: Thank you for allowing me to clarify that. It can have something to do with DWI, and those offenses can still be dealt with. If someone had a DWI offense up to seven years ago, and has any number of these much, much, smaller offenses, within that seven year period, but never has another DWI, that person can still be required to go to jail for a year under this. There are still other ways, very effective ways of dealing with DWI in and of itself.

SENATOR BARNES: This does, this bill does, and could, affect DWI offenders?

SENATOR COHEN: Yes.

SENATOR J. KING: Senator Colantuono, would you agree that the judges that we have in our state of New Hampshire usually use top discretion when dealing with the people that come before them?

SENATOR COLANTUONO: Yes.

SENATOR J. KING: Do you think that with the circumstances that we have at the present time, in the state prison and in the county jails and every other place, crowded, over crowded and looking for new places, that the use of those places for the real severe criminals, would be better off than putting some of the ones that this group has been talking about today, into a prison or a jail for a long period of time? If you had to pick between the two, which would you make sure were the ones that were locked up?

SENATOR COLANTUONO: I would obviously rather have the violent criminals locked up. But our prisons have room for these people also. There are a fairly small number of them. Another reason why, in my opinion, that this is a bad bill, is that if you sentence someone to six months in the County House of Corrections, they really are only going to serve four because they are going to get credit for good time. I think that there are a lot of people out there who are going to be put under this order, not to drive, who are going to take . . . a lot more are going to be willing to take a chance when they know that they are only facing four months, if they get caught, and if they were going to be facing one to five years in the state prison. Frankly, I am a lot more concerned with the safety of our roadways than the condition, crowding condition, of our prisons.

SENATOR J. KING: Would you also believe, that if they spend a year or more at the state prison, that they might be one of those, maybe more so, to come out and still go out and drive, and be an endangerment to the public highway system. I mean there is no guarantee that because you have gone to prison, that you are going to be a better driver or a better person as far as alcohol is concerned, or any other one of those dependencies that we just discussed?

SENATOR COLANTUONO: There is never any guarantee, but, a one year sentence, whether it is in the State Prison or in the House of Corrections, is going to place a lot more, make a bigger impression than a four month sentence in the House of Correction will.

SENATOR J. KING: Would you believe, that we are probably spending our money at the wrong end of the totem pole, instead of just putting it in where children are deserving of it, more so into prisons than other places that are less deserving of it. We are probably putting our money in the wrong place?

SENATOR COLANTUONO: I believe, that you believe that.

SENATOR J. KING: Do you believe that?

SENATOR COLANTUONO: No, I don't.

SENATOR CURRIER: Senator Cohen, I heard you refer to a fiscal impact on this bill, yet this bill doesn't have a fiscal note on it, yet you alluded to \$5 million. Could you elaborate on that a little bit, please?

SENATOR COHEN: I would like to defer to Senator Hollingworth.

SENATOR HOLLINGWORTH: Would you like that information now or when I cover it?

SENATOR CURRIER: What do you mean, now or when you cover it?

SENATOR HOLLINGWORTH: I am going to speak. If you want to ask the question of me after I speak, maybe I will answer your question when I go into detail.

SENATOR CURRIER: I guess I will wait for your testimony, but I will add another question to it. If in fact it takes \$5 million off the role of the state, okay, because we won't have those people incarcerated for a period of six

months. If it does that, will it take that money and shift it to somewhere else like the County Jail System for that six months? Because my understanding is, that these people who would go for a year, would go to the State Prison. When there is a six month term, they only go to the County Jail? If you could answer that in your testimony?

SENATOR HOLLINGWORTH: If I can. The committee on Judiciary heard this bill. It was brought into us and was reported to the committee . . . this is not 'we are soft on crime' people, please. This is exactly what you are hearing, that we are attempting to and make things softer. Well two of the people who came in to talk on this bill in front of the House Judiciary committee are two people who I trust, who know the system well, Donna Sytek and Donna Lee Lozeau. Neither of those two women have ever been accused of being soft on crime, nor has their committee on Criminal Justice. That committee voted with no one in opposition to changing this bill of six months' reduction from a year. Now for the minimum, not the maximum. They can still, if a judge determines that this guy is a bad actor, he is going to send him away for a longer period of time, and he has. We now have in the County Jails, guys or women, excuse me, people. We now have people, primarily, I believe, that they are men, excuse me, but they are. Primarily right at the moment, there are 277 people serving their time in the county. That is with a year being on the book. The minimum being a year. There are 77 in the state prison. Why are there 77 in the state prison, because the judges say, 'you guys, you girls, are really bad actors and we are sending you away.' So they're in the state. John Drisco supported this in the House. He sent a document here to us. Senator Cohen said that it costs \$5 million for these people in the county. That is true. But we don't expect that we are going to save \$5 million. We don't know what we are going to save because we don't know what the judges are going sentence them for. Right now, for them to be there for a year, at the old numbers which are \$18,000 which have now changed, it would be \$4,986,000 per year. But we think that will be lower. We don't think that it will be a total savings of \$5 million. But the county would like to see this happen. Because with the reduction, it really is not fair to send some of these people for a whole year. The judges and everybody else have said, why are we sending bad drivers? And that is what we are talking about, bad drivers, for a mandatory year. We have three mandatories on our books. We have first degree murder, DWI and habitual offenders. Now there are some other pretty bad crimes out there like rape and assault with a weapon and others, and we don't do mandatory on them. The courts have been saying to us, wait a minute, we need discretion. We need to look at these individuals one on one and see what they are guilty of. We don't want to send a bad message, and that is what the House said to us, and that is what Donna Sytek and all of her committee members said to us. We didn't want to send a message. We are only going to take and allow it to be reduced to six months, because we think that is appropriate right now. So that is what they did. It is really interesting that the DWI flags have been waving because this doesn't interfere with the person who is serving time for DWI. If you get a DWI, you still are going to pay the mandatory sentence that is in there. This only kicks in after you have served your DWI and you happened to have these other habitual offenders things. You have already served your time on DWI, you could again be sentenced, even though you have served your time and the punishment has been dished out to you, you could then find yourself back in jail for up to a year, even if you have already acted appropriately. I just want to say that I think that this is unfortunate, that we have got onto this

path that seems to make it sound like the House, can you believe that the 400 members of the House would have gone soft on crime? I don't believe it. Would you believe, that the House committee of Criminal Justice and many of them are very staunch republicans who would never think of being soft on crime? They haven't seen a problem, and they heard the testimony, and they think that this is appropriate. The county supports it, I believe that there were several other people in with the criminal . . . Senator Baldizar mentioned that these are the people who have been writing the DWI statutes, and it is true. I served with some of these ladies and some of these gentlemen on those committees. I can tell you that they have written some hard laws, and they are going to continue to put hard laws out there. So I think that this is appropriate. I think that we ought to support the House's hard work and vote this out ought to pass. The committee voted, all but for one, that this should pass.

SENATOR LOVEJOY: I think the question that we are being asked here is whether or not we favor enforcing laws that we are passing? Do we want to water them down? Do we favor making our highways and roads more safe for the motoring public, or do we want to take away in people's minds, the severity that goes with doing things that you're not supposed to? You know, we pass laws and we pass bills, and we make appropriations, week after week when we are in session, dealing with making our highways and roadways safer. This morning, I had a group of kids in talking about route 202A. They want a study there to make it safer. They lost their 13 year old classmate on that road. They want to make the road safer. And you know with all of this legislation, and with all of this spending, and with all of this effort, to make our highways safer, now we are considering a bill that would remove the importance that we place on habitual offenders, on people who break the laws on those highways that we are trying to make safer. That doesn't make sense to me. Driving is a privilege. It is a privilege if you obey the rules. If you constantly break the rules, then it is my view, that perhaps you should be penalized to a point where you won't break the rules again. We promote seat belt use. New Hampshire enjoys one of the best ratings in the nation with voluntary seat belt use. On route 101, you drive up there and it makes your skin crawl. You see that series of crosses where people have lost their lives. I believe that the safe driving message that we are trying to pass on to our motoring public, will be greatly lessened and watered down if we diminished the punishment dealing with habitual offenders. My vote is going to be no on this. I certainly will support Senator Colantuono's motion of inexpedient to legislate.

SENATOR J. KING: Senator Lovejoy, do you think that it would be better to put a person in prison or jail for up to a year or would you be better off in a motor vehicle to impound the car for a year or two, keep them out in an area working, but no car to cause anymore problems?

SENATOR LOVEJOY: I don't see that in the bill, Senator. What I see in the bill, is lessening the importance of habitual offenders' crimes.

SENATOR J. KING: What you don't see in the bill also, is that the judge has a discretion that he can use a sentence like that.

SENATOR LOVEJOY: That is very true. Let me ask this question, that if we send this message, in my view, to the general public, then they are going to think less of the importance of driving safely on our highways? I think that is the message that we are sending out, that this Senate would send out, by saying that they don't place a great importance on punishing habitual offenders.

SENATOR HOLLINGWORTH: Senator Lovejoy, you're talking about messages. What kind of message is it if we say that a driver, a bad driver, should get a mandatory sentence, where somebody who is guilty of a negligent homicide with a DWI, and they don't get the same kind of a mandatory sentence?

SENATOR LOVEJOY: Well, Senator, this bill is dealing with punishing habitual offenders, it is not dealing with involuntary manslaughter or anything like that. It is dealing with the punishment of habitual offenders.

SENATOR HOLLINGWORTH: But apparently you're not understanding my question. There are only three mandatory sentences. All of the other crimes that are committed have no mandatory. This is not doing away with the mandatory, it is only limiting it. Are you saying that every crime should have a mandatory sentence? This is just touching the minimum. You can still sentence them for much longer, we are just saying that this is the minimum sentence. Is that sending a different message? I can't believe that you would like to have every crime to have a mandatory sentence?

SENATOR LOVEJOY: It is my view, that the message would go out from this Chamber, should we pass this bill, that we don't place great importance on habitual offender punishment.

SENATOR COHEN: Senator Lovejoy, you know, I suppose that you can take out any message from this that you would like. We are all talking about safe roads. The goal is safe roads. We want to protect innocent people from dangerous drivers. That is the goal. The question is, what are the right tools for the job? If you look at the person who may be a habitual offender, the idea is to get him or her off of the roads and to stop being a habitual offender. We need a deterrent. We need to show that there will be a swift, certain punishment. Now do you honestly believe that a six month sentence is any less of a deterrent to these particular people than a one year sentence, with the recognition that the judge can still sentence that person for as long as he wants?

SENATOR LOVEJOY: I would believe, Senator, that if we have 277 people serving sentences in county jails, at the present time, and 77 in the state prison, even with the one year mandatory sentence, that we have a habitual offender problem, yes. I also believe that lessening that will greatly complicate that problem, yes.

SENATOR BLAISDELL: Senator Hollingworth, you stated on the floor of the Senate, that Representative Sytek, as the Committee Chairwoman and Representative Lozeau and the committee itself, voted for this bill?

SENATOR HOLLINGWORTH: Right.

SENATOR BLAISDELL: The vote in the House was pretty much unanimous, or almost.

SENATOR HOLLINGWORTH: I don't think that there was any debate on it at all.

SENATOR BLAISDELL: There was no debate whatsoever on that? You are saying that the courts support this?

SENATOR HOLLINGWORTH: Right.

SENATOR BLAISDELL: Now the ones that really enforce the law, you are saying that the police support this?

SENATOR HOLLINGWORTH: I believe that they do.

SENATOR BLAISDELL: Thank you.

SENATOR RUSSMAN: I will try not to beat the dead horse because the SPCA might get after me. In any event, I would tell you this. I have practiced in this area of the law . . . this is one of the areas that I practice in the 20 years that I have practiced. I would venture to guess that there is nobody on the road driving today, that if we stopped them and asked them what the penalty was if they were convicted or if they were indicted under the habitual offender status, and that you actually go to jail for a period of time . . . I have represented people who have. Some have been seriously impaired with alcohol and have gone to the state's prison. One that comes to mind is a salesman who was under a lot of pressure to produce for his company, and he had to go around and check these stations and so on and so forth. He ended up getting a number of speeding charges. Now keep in mind that three or more majors, twelve or more minors, one major-eight minors, two majors or four minors. Any of those combinations in a five year period gets you hooked into the habitual offender status. So if you get a couple of speeding tickets a year, like this salesman had, because he didn't think that it was serious, he didn't realize what was going to happen down the road, he would pay for them. He figured that it was part of a rapid transit thing. In a couple of years, he got a couple more than he should have and eventually he got a habitual offender status. They send you a letter, and they have you served, and then they bring you in for a hearing and you are adjudicated. Then you lose your license for one to four years. Usually they will take it for four years, but you have the right to . . . depending on the seriousness of the offense, you can either apply within one year to get it back, after the one year, or beyond on that, it may be two years before you can apply. He had a family and a house, a nice guy. And of course what he did, he drove anyway. He shouldn't have done that. He went to jail, and eventually, of course, like he had been, consistently, he did get stopped for speeding and he ended up going to the state prison. Now there are other more serious ones where there is alcohol involved where they should go to the state prison, there is no question about it. The problem with the habitual offender statute, and what people are failing to realize here, once that you are adjudicated to be, once you get your hearing before the Motor Vehicle Department, you are adjudicated a hearing as a habitual offender, under this law. The next offense, yes, they indict you under the habitual offender statute and you go wherever you go, for whatever time period. But they also charge you with whatever it is the crime that you have been stopped for. In other words, let's suppose that they pick you up for DWI because you have alcohol on your breath. Well not only do you have the indictment hanging over your head for violation of the habitual offender status that you now have, but you also have to serve the time or whatever it is for that offense. Usually by the time that they get to that offense, it is second or third offense DWI. You are looking at time on that or even if it is an aggravated DWI. You're looking at time on that because that is a misdemeanor. So they can be one on top of the other. The judge has plenty of opportunity to put people in jail if he chooses to. I don't think six months . . . the problem is that some of these habitual offenders, the DWI people particularly, they probably have already done some time, and those people can still do . . . keep in mind that it is one to five right now. This is talking about six months to five years. So they can still be sentenced up to five years, in which case they are going to serve at least two thirds of the minimum before they are eligible for parole. I don't for the life of me, see, I don't think that it is going to be soft on crime, certainly. If you lower this portion, it gives the judge, perhaps, more latitude in terms of making the

punishment fit the crime. And that probably is what we should be doing. At the same time, none of the drivers out there know that it is one to five years, six and a half to five years. They do not have a clue when they actually get to that point. The reality of it is, six months in jail, whether it is served . . . county jail time is easier because it is usually closer to home and you can have your family visit you because it is closer than going to Concord. But whether it is six months at the county jail or one year at the state prison, it is not fun time, I can assure any of you that may have gone through those places. I don't know if that sheds any light on this, maybe it makes it more cloudy but, if anyone has any questions, I would try and answer them. I think that the bill is okay as it is.

Adopted.

Question is on ordering to third reading.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: Lamirande, W. King, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, Podles, J. King, Russman, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Roberge, Wheeler, Colantuono, Barnes, Delahunty.

Yeas: 15 - Nays: 8

Motion of ordering to third reading is adopted.

HB 1550, an act establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

SENATOR COLANTUONO: I wish that Senator Russman were here because I am doing what has become known as 'pulling a Russman,' after his comments on the fish bills. This is something that fits into those categories. What this bill does, is it sets up a joint committee of the House Corrections and Criminal Justice committee and the Senate Judiciary committee to study the efficient operation of the Criminal Justice system. This bill is totally unnecessary, and a waste of time and money, because there is already standing authority in our statutes for House and Senate committees to study anything that they want. And the only way that we are going to stop getting these wasteful and foolish bills over here, is if we start killing some of them. Just make them inexpedient and let people know that we need to spend our time and efforts on important bills that are needed. Now I don't have a problem with the study, but as I say, you can look in the statute, we already have standing legislative authority to do this. As I say, I am becoming the patron saint of loss causes around here, but I wanted to stand up and have my say on it.

SENATOR RUSSMAN: Senator Colantuono, so I take it that this bill smells, as far as you're concerned?

SENATOR COLANTUONO: Just as bad as a dead fish.

SENATOR RUSSMAN: Right. I don't want to throw out any bait, but thank you very much.

Adopted.

Ordered to third reading.

HB 451-FN, an act requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator J. King for the committee.

5818B

Amendment to HB 451-FN

Amend RSA 328-E:2, V and VI as inserted by section 1 of the bill by replacing it with the following:

V. "Homeopathic preparations" means medicines prepared according to the Homeopathic Pharmacopoeia of the United States.

VI. "Minor office procedures" means care incident to superficial lacerations and abrasions, and the removal of foreign bodies located in superficial structures, not to include the eyes. It shall include the use of antiseptics in connection with such procedures but shall not include the alteration or removal of tissue.

Amend RSA 328-E:2 as inserted by section 1 of the bill by deleting paragraph VII and renumbering paragraphs VIII-XII to read as VII-XI, respectively.

Amend RSA 328-E:3, II as inserted by section 1 of the bill by replacing it with the following:

II. Licensees shall use the title "doctor of naturopathic medicine" and the recognized abbreviation "N.D." Doctors of naturopathic medicine shall have the exclusive right to use of the terms: "doctor of naturopathic medicine," "naturopathic doctor," "naturopath," "doctor of naturopathy," "naturopathic medicine," "naturopathic health care," "naturopathy," and "N.D."

Amend RSA 328-E:4, I as inserted by section 1 of the bill by replacing it with the following:

I. Doctors of naturopathic medicine shall be authorized to use for preventive and therapeutic purposes the following natural medicines and therapies: food, food extracts, vitamins, minerals, enzymes, digestive aids, whole gland thyroid, plant substances, all homeopathic preparations, topical medicines, counseling, hypnotherapy, biofeedback, dietary therapy, naturopathic physical medicine, therapeutic devices, oxytocin (pitocin), and barrier devices for contraception.

Amend RSA 328-E:4, IV(a) and ((b) as inserted by section 1 of the bill by replacing them with the following:

(a) Prescribe, dispense, or administer any legend or controlled substances as defined in RSA 318 and 318-B, except those natural medicines authorized by this chapter.

(b) Perform surgical procedures.

Amend RSA 328-E:5, I as inserted by section 1 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) The treatment of the sick or suffering by spiritual means through prayer alone in accordance with the tenets and practices of an established church or religious denomination.

Amend RSA 328-E as inserted by section 1 of the bill by inserting after section 10 the following and renumbering sections 11-16 to read as 12-17, respectively:

328-E:11 Copies of Proposed Rules for Commissioner; Rulemaking to be Consistent with Statutory Authority.

I. At the same time the board files the text of a proposed rule with the director of legislative services under RSA 541-A:3-a, VII, the board shall provide the commissioner of the department of health and human services with a copy of the text of the proposed rule. The commissioner shall monitor the rulemaking activity of the board under RSA 328-E:10 to ensure that all rules are:

- (a) Consistent with the provisions of RSA 541-A;
- (b) Consistent with the specific statutory authority under which they are adopted;
- (c) Consistent with other statutes; and
- (d) Consistent with rules adopted by any other board, commission, or agency.

II. If the commissioner determines that a rule proposed for adoption is not consistent with the criteria established in paragraph I of this section, the commissioner shall notify the board in writing. If the board does not take corrective action, the commissioner shall notify in writing the joint committee on administrative rules, the senate executive departments committee, and the house executive departments and administrative committee for further corrective oversight action.

Amend RSA 328-E:14, I as inserted by section 1 of the bill by replacing it with the following:

I. Whoever, not being licensed as provided in this chapter, shall advertise oneself or in any way hold oneself out as qualified to practice naturopathy, or shall practice naturopathy, or whoever does so after receiving notice that one's license has been revoked, and whoever, being licensed as provided in this chapter, shall advertise or call oneself or allow oneself to be advertised or called a physician or a doctor, or use any physician's or doctor's insignia as such, except "Doctor (name of naturopath), naturopath", or (name) "doctor of naturopathy", or (name) "naturopathic doctor", or (name) "doctor of naturopathic medicine", shall be guilty of a misdemeanor and, upon conviction, shall, if licensed, have such license revoked.

SENATOR J. KING: We ask for your support on HB 451. This bill requires the licensure of doctors of naturopathic medicine. It delineates license and license renewal criteria, and it sets forth the scope of the practice that they should follow. It also establishes a five member board of examiners with rulemaking authority. It provides a special certification for their specific area, child birth and acupuncture. It provides for enforcement in penalties and it establishes a five member council of doctors of naturopathic medicine formulary. The bill in the Senate was amended. The two things that were taken out in the Senate, was the section that dealt with 'minor surgery' and 'vaccinations' and the use of anything other than antibiotics. It is a good bill, the time has come. It is another help as far as the health care system is concerned, and it should pass. It has passed the House. It received a lot of discussion in the House, and it received a lot of discussion in the Senate. We recommend that it ought to pass with amendment.

Senator Podles moved to have **HB 451-FN**, an act requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice, laid on the table.

Question is on the motion to table.

A roll call was requested by Senator Currier.

Roll call request was withdrawn.

Motion to table was withdrawn.

Amendment adopted.

SENATOR PODLES: Mr. President, I would like to offer a motion and is this the proper time?

SENATOR HOUGH (In the Chair): What is your motion, Senator Podles?

SENATOR PODLES: Inexpedient to legislate.

SENATOR HOUGH (In the Chair): Excuse me, Senator Podles, but we have to dispose of the higher motion of ordering to third reading or ought to pass with amendment. That would have to be defeated before a motion of inexpedient could be offered. You can speak against the positive motion of ought to pass at this time. I really think that that is your option at the moment.

Recess.

Out of Recess.

SENATOR PODLES: HB 451 authorizes unqualified, untrained, practitioners to do procedures far beyond their scope of training. The bill will only benefit five people in the state of New Hampshire. Once licensure is granted and the third party medical payments are resumed, nine to eleven people will become New Hampshires' licensed practitioners in naturopathic. HB 451 establishes a Naturopathic Board of Examiners. It is made up of their own four naturopaths and one public member. It is like the fox guarding the chickens. The public member would be policing the profession. With only five members, licensure is not necessary. They are short of complete standards and criteria for enforcements. No malpractice insurance, naturopaths are not skilled in the use of drugs. They have an unrealistic scope of practice. And the bill has a poor grandfather clause for other naturopaths that have practiced for over 15 to 25 years. Lawsuits are cited in the state of Washington and Oregon as evidence of problems. Doctor Burton Dibble of Kingston, former president of the New Hampshire Medical Society, is against the bill. He came to tell us when we had the hearing that the Medical Society is divided. I have heard a lot of the sponsors say that the New Hampshire Medical Society supports this bill. I have a letter from the New Hampshire Medical Society and this is what it says: "The Medical Society's willingness to work out a compromise on HB 451 is not an endorsement of the practice of naturopathy." I would also like to share with you a letter that I have from the Board of Registration in Medicine: "Dear Senator Podles, the Board of Registration in medicine would like to register its opposition to HB 451, creating the naturopathic health care practice act. Since all boards must operate enough revenue to meet all of its administrative expenses, plus 25 percent overhead for state services, it would be difficult to imagine a reasonable annual licensing fee. Clerical support alone would be overwhelming. HB 451 does not include any provision for disciplinary action against licensees who engage in the form of professional misconduct. It does not establish any ethical standards. It does not provide for any effective discipline for acts of medical negligence or substandard care. In short, the bill does nothing to protect the public. There are no provisions for ensuring that the public can discern the difference between medical doctors and naturopathic doctors." Those of you who have been around for a long time, remember the chiropractors, the straights, and the mixers? These are the mixers. We still have some straights out there who have been practicing for 15 and 25 years. And the letter from the Board of Registration of Medicine, I still want to go on with it, there are just a couple of lines here: "The numerous problems in this bill should be reasons enough to indicate that further study is warranted. The board is willing to participate fully in these studies and to discuss bringing the licensure of naturopaths under the authority of the Board of Registration in Medicine." Only seven states permit licensure of naturopathic practice. None of the seven allow everything that was voted on in this bill in the New Hampshire House. Georgia repealed its law in 1991. Idaho, no naturopath law, but allows them to practice using only air, heat, light, under an exception, and the law called 'unlicensed practitioners.' Nebraska, both studies conclude that naturopaths should not be licensed for several reasons, including their lack of emergency

training, lack of established professional standards and the lack of public need. Nevada, the law was repealed when a number of practitioners dropped to less than 12. Remember, only five will be eligible for HB 451 in New Hampshire. South Carolina, "it shall be unlawful for any person whether licensed or not under the laws of this state or any other state to practice naturopathic in this state." Utah, "law repealed after naturopaths abused their prescription privileges." North Carolina, Nebraska, Colorado, turned them down each time for lack of qualifications. They have no malpractice insurance, they are not skilled in the use of drugs, and this is an unrealistic scope of practice and a poor grandfather clause for the others. In closing, I would like to read a very nice letter. I have been asked to read it to this body. "Dear Senator Podles, Please don't vote to license naturopaths. Please vote to ban the practice in New Hampshire. My late husband had cancer. He was not getting better from Chemotherapy treatments, so my hairdresser told us about naturopathic doctors. We went to her and she said that she could cure cancer. For about six months, we went to her and spent nearly \$4,000 for the treatments. Walter died of cancer. I don't blame her for his death, but I do think that she was dishonest for telling us that she had a cure for cancer, and for charging us so much money for something that she probably knew wouldn't work. Naturopath doctors should not be allowed to tell people that they can cure them and then charge a lot of money. Please make copies of my letter for other Senators who will be voting on this law." I urge you to either put this into study or just kill it.

SENATOR HOLLINGWORTH: Senator Podles, the letter that you just stated is moving, and I think that I received the same letter. But the question is, if this bill were passed, it would set up a board so if those kinds of practices occurred, then there would be recourse. Because certainly it would be inappropriate for doctors to claim something that they aren't capable of doing. So, in fact, by passing this bill, you would resolve the problems such as that one that you brought up. Is that not true?

SENATOR PODLES: Senator Hollingworth, the bill does establish a board, but on that board are four naturopath practitioners and one public member. So only the public member will be overseeing the four naturopath practitioners. I don't think that that is a very good idea.

SENATOR J. KING: Senator Podles, would you believe, that the New Hampshire Medical Society did agree with it as it has been amended? Once we took out the two specific things, the minor surgery and the vaccinations, I guess. Once those were taken out, and probably a few other amendments, they did come over and endorse the bill. They didn't have any complaints about the bill whatsoever.

SENATOR PODLES: I sat, Senator, you and I, sat there for four hours listening to testimony on both sides. There were just the two of us. At no time did the Medical Society come in. There was this girl that I had never seen before, and she just presented, I guess, this letter, as I remember, and that is all. It is dated March 10, 1994. That is all. But never while I was there, and I was there for the four hours listening, had anyone from the New Hampshire Medical Society come in and state that they support this bill. Senator, would you also believe, that I have been getting a lot of calls from the Manchester doctors, asking me to please, not pass this bill?

SENATOR J. KING: Well, would you believe, that I disagree with you on whether the New Hampshire Medical Society came in? That young lady that you were talking about, I think, is Janet Monahan, the one that did come in and speak to us. Secondly, you said that they don't have any malpractice insurance. Do you realize that they cannot get it unless they become licensed?

SENATOR PODLES: I am not sure that even if they are licensed that they will get malpractice insurance. It is very expensive and I don't think that they are going to be able to afford it.

SENATOR J. KING: Would you agree that by being licensed, that there will be more supervision by the state and by their peers and everybody else? And that, hopefully, the situation will improve, and more people will be able to gather and that there are more than five people in the state now practicing it?

SENATOR PODLES: Senator, I don't believe that. Because once they are licensed, there are five people that will be licensed, and then they will draw from Connecticut, probably, and from other states. Massachusetts does not have a law like this. So really, I don't know where they are going to get the people.

SENATOR HOLLINGWORTH: Senator Podles, again, I guess that we were all receiving a lot of the same information. I did receive a letter, and I was just looking for it in my file, from the Medical Society, that said that with the removal of the surgery and the prescription drugs, that they would support the legislation. Then I also received a letter from an insurance company who said that they would insure for malpractice once there was certification, but until certification they were unable to do so. Although I don't sit on your committee, those are the letters that I received. I think that perhaps you were correct at the time of the hearing. Some things were said since then, have been changed with your amendment by the committee.

SENATOR PODLES: I have not seen that letter that you spoke of, Senator. But I also want to add that I have received a letter from Bill Kidder from the House also, asking to please make it inexpedient to legislate.

SENATOR COHEN: I will be brief. All across America, not just in New Hampshire, people are looking for a choice. That's what this bill is about, choice. People are finding their medical costs very high. People want a choice. This comes as a result of that. This is complementary to allopathic medicine. The Medical Society did work very hard with the naturopaths on this bill to come up with a compromise. A compromise was agreed to. It certainly doesn't need more study, we have a compromise. Both sides gave and we have an agreement. The Medical Society, while they may not necessarily endorse the practice, that is not the question here. The question is, do they support the bill? And, yes, they do support the bill. Senator Podles mentioned that there is a question of education and training, that is why this bill is necessary. This would guarantee that people have to have specific training and education before they can call themselves, naturopaths. This bill is important to our constituents. I strongly hope that the Senate will agree with the House in that we should pass this. It is in the interest of all of our constituents.

SENATOR CURRIER: I don't know about anybody else, but I have received more phone calls on this single piece of legislation than any other piece of legislation that has been before the Senate in the six years that I have served in the Senate. Quite frankly, if the care that the patients of these naturopathic physicians or doctors or whatever they are called, is as thorough and thoughtful and deliberate as the lobbying that has gone on for this bill, I think that their clientele will be well served.

SENATOR LAMIRANDE: Senator Cohen, can you tell me if this has any effect or will at all, on an establishment that sells health food?

SENATOR COHEN: No, it wouldn't. They wouldn't be able to call themselves naturopathic doctors. But they are not doing that now either. They are sell-

ing many different herbal products and things like that. It wouldn't have any effect on them at all. In fact, it would probably help their business.

SENATOR LAMIRANDE: So you are saying that it wouldn't have any effect as far as hindering them from selling their products that they are selling right now?

SENATOR COHEN: No. It would probably help them in selling. It would probably give them a greater audience and a greater market for those products.

SENATOR LAMIRANDE: Thank you, Senator.

SENATOR SHAHEEN: I would just like to speak to Senator Podles to the question of whether the Medical Society supports this legislation. Again, I have here the transcript of the hearing from March 7. The testimony is from Janet Monahan, representing the New Hampshire Medical Society, "I did want to make it clear, it has been about three hours since Doctor Dibble testified. I worked out an amendment with Representative Wheeler, and the Medical Society does support it, and we will support licensure."

Question is on ordering to third reading.

A roll call was requested by Senator Podles.

Seconded by Senator J. King.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Blaisdell, Baldizar, Pignatelli, Colantuono, McLane, Barnes, J. King, Bourque, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted No: Wheeler, Podles, Russman.

Yeas: 20 - Nays: 3

Motion of Ordering to third reading is adopted.

HB 1214-FN, an act relative to driver safety at highway construction sites. Transportation Committee. Ought to pass with amendment. Senator Cohen for the committee.

5820B

Amendment to HB 1214-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Operation of a Motor Vehicle in Highway Construction Sites. Amend RSA 265:6-a by inserting after paragraph II the following new paragraphs:

III. Any offense involving speeding or the reckless operation of a motor vehicle committed in a highway construction or maintenance zone on a state or interstate highway, manned by workers, shall be a construction work zone driving offense. A person found guilty of a first offense shall be fined not less than \$250 nor more than \$500. A person found guilty of a second offense shall be fined not less than \$250 nor more than \$500 and such person's license shall be revoked for a period of 60 days.

IV. The department of transportation shall post signs notifying motorists of construction or maintenance work zones. The department may require signs notifying motorists of the increased penalties for a violation of paragraph III.

V. It shall not be a defense to the imposition of fines authorized under this section, that the signs notifying motorists of the increased penalties for violations under paragraph III were improperly posted, not posted or wrongfully removed or stolen.

AMENDED ANALYSIS

This bill:

I. Imposes a fine of \$250-\$500 for the first offense, for any person found guilty of a motor vehicle offense involving speeding or the reckless operation of a vehicle committed in a highway construction or maintenance zone. A person found guilty of a second offense shall be fined not less than \$250 nor more than \$500 and such person's license shall be revoked for a period of 60 days.

II. Requires the department of transportation to post signs notifying motorists of construction or maintenance work zones.

SENATOR COHEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1274-FN, an act establishing a committee to examine the impact of changing the name of the department of fish and game to the department of wildlife and marine resources. Wildlife and Recreation Committee. Inexpedient to legislate. Senator Wheeler for the committee.

SENATOR WHEELER: The House Wildlife and Recreation committee voted four to one on inexpedient to legislate on this name change study committee for the Department of Fish and Game. The bill originally went in at the House as a bill to change the name was watered down to a study committee and the Senate Wildlife and Recreation committee thought that it was not necessary to study it because the ultimate change would be very expensive. Eighty five percent of the budget of the New Hampshire Fish and Game Department is paid for by hunters and fisher persons of this state. It is my feeling, and I believe, the feeling of the committee, that the hunters and the fisher persons of this state do not want their money going to change the name, going to pay for the name changes on the patches of all of the uniforms, decals on all of the trucks and signage on all of the Fish and Game buildings and hatcheries and things such as that. The bill was asked for by a Fish and Game Department by no position has been taken by the Fish and Game Commission. I think that it would be premature for this legislature to move forward with this without a vote from the Fish and Game Commission. The Wildlife Federation was opposed to the name change. We would ask that you find this bill inexpedient to legislate and support the four to one majority of the Senate Wildlife and Recreation committee.

SENATOR COHEN: I would suggest to vote against the inexpedient motion and instead, that this bill ought to pass. Because Fish and Game is about a lot more than just hunters and fishermen. It is changing. In the words of the Commissioner, Don Normandeau, "our department is much more diverse in its responsibilities than the name currently implies. I think that it really important that we make everyone realize that our responsibility is to everyone in this state, not just those who are hunting and fishing." I wholeheartedly agree. As Chairman of the Wildlife and Recreation committee, I have seen how the name Fish and Game narrows the public's concept of what the department is all about, it implies fishing and hunting. As it is now, a lot of people have the perception that Fish and Game is a group of people, dealing exclusively with the fish that you catch and the animals that you hunt. That is an unfair assessment to both the Fish and Game Department and the hunters and the fishermen that largely support it. Many of the large holdings of conservation lands, the marshes that are put aside for preservation, are done so through the efforts of Fish and Game. These lands are in

the interest of all of the people, not just the hunters and the fishermen. They protect not only the grouse, but the bluebirds as well, which are not hunted. Fifteen percent of the Department of Fish and Game's budget is from nonhunting and nonfishing sources. That includes excise taxes on outdoor equipment. Money is coming into the department to be used for education as well as boating access programs. More people should know about these noteworthy efforts made on part of the sportsmen and the Department of Fish and Game to safeguard and conserve our environment. As we approach the year 2000, more and more people are concerned about our environment. People don't engage in hunting and fishing, and still know that there is a state agency that addresses their concern for all forms of wildlife. The hikers and recreational boaters should know that despite the fact that they are not hunters or fishermen, it is the Department of Fish and Game that will come to their aid if they're lost. To accomplish this change in perception, HB 1274 does not mandate a name change, it simply establishes a committee to examine the impact of changing the name of the Department of Fish and Game. It is appropriate to have a study committee look into an alternative name. Fish and Game, in itself, does not represent what the department does, that is the issue. The Department of Fish and Game, the Wildlife Federation urge this Senate to give the public the opportunity to share their input and make this a public process to see what and if any name change there should be. HB 1274 ought to pass. Thank you.

Committee report of inexpedient to legislate is adopted.

RECONSIDERATION

Senator MacDonald having voted on the prevailing side has moved reconsideration on **HB 1173**, an act prohibiting a right turn on red when a walk signal is on, whereby we sent it to interim study.

Adopted.

MOTION TO RECOMMIT

Senator MacDonald moved to have **HB 1173**, an act prohibiting a right turn on red when a walk signal is on, recommitted to the Transportation Committee.

Adopted.

HB 1173 is recommitted to the Transportation Committee.

RECONSIDERATION

Senator Baldizar having voted on the prevailing side moved reconsideration on **HB 1438**, an act adopting the striped bass as the state saltwater game fish, whereby we voted it inexpedient to legislate.

Adopted.

Senator Baldizar moved ought to pass.

SENATOR BALDIZAR: This is the time of year when the waters get a little bit muddy and it is not clear if a bill will pass, even when it has had clear sailing in both houses. I am asking you to dive deep and search your souls to reconsider your action on HB 1438, an act adopting the striped bass as the state saltwater game fish. It seems that a similar bill, which I had sponsored in the Senate, SB 338 passed both the House and the Senate was deep-sixed in the House as a result of our action on HB 1438. I understand that Senator Russman had some objection to both bills. But I didn't think that 23 other Senators did. I hope that you will please reconsider this and vote ought to pass motion. Thank you.

SENATOR BARNES: Senator Baldizar, do you remember what the roll call vote on that bill was?

SENATOR BALDIZAR: It was three to . . .

SENATOR BARNES: No, the roll call here in this Senate? I believe that it was 21 to 2.

SENATOR BALDIZAR: I think that it was three, but, I don't remember, Senator.

SENATOR BARNES: My second and obvious question is, could you tell us how you voted on that bill?

SENATOR BALDIZAR: The wrong way, Senator.

SENATOR BARNES: You were one of the three?

SENATOR BALDIZAR: I had made a parliamentary inquiry to make the bill ought to pass, but I voted on the prevailing side, which unfortunately was the wrong side. I was confused when I did the vote, and I voted on the wrong side. It was a voice vote, however, it was not a roll call, it was a division.

SENATOR BARNES: Would you believe, that I find it hard to believe that you were confused on a vote?

SENATOR BALDIZAR: Believe it.

SENATOR RUSSMAN: I guess that what I said previously still stands in terms of these types of bills. I think that as Senator Colantuono had said earlier, relative to the last bill that we already have committees that are standing committees. We now wanted a bill to have those standing committees study something special which is already their area of policy anyway. These types of bills have just got to stop and stop wasting taxpayers time and money and so on and should not have to go into these types of bills. I would certainly still think that it is unnecessary to have this type of legislation go forward.

SENATOR BLAISDELL: Mr. President and members of the Senate, I apologize, I wasn't here that day that you laughingly threw this bill out the window as I remember it. I know that there was quite a bit of joking around, but this was a real serious bill from the House. I go back to Senator Baldizar's bill when she spent with Senator Lovejoy, Senator Wheeler and Senator Disnard and myself about 1-1/2 hours telling the kids from Nashua what a great thing that trout is and all of this thing. That went down the drain and we were very courteous to her then. Senator Russman had a problem, I understand, but I think that the people in the seacoast are really serious about this bill. I know that I talked to Herb Drake about it and my son Michael, the Chairman of Fish and Game. I ask your support of Senator Baldizar's motion. I believe that it is in the best interest of the sportsmen of the state of New Hampshire. I ask you to reconsider it.

Recess.

Out of recess.

Senator Currier moved to have **HB 1438**, an act adopting the striped bass as the state saltwater game fish, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1438, an act adopting the striped bass as the state saltwater game fish.

TAKEN OFF THE TABLE

Senator Currier moved to have **HB 1438**, an act adopting the striped bass as the state saltwater game fish, taken off the table.

Adopted.

SUBSTITUTE MOTION

Senator Baldizar moved to **substitute ought to pass for inexpedient to legislate.**

Adopted.

Ordered to third reading.

Senator Russman in opposition to HB 1438.

RECONSIDERATION

Senator Wheeler having voted on the prevailing side moved reconsideration on **1274-FN**, an act establishing a committee to examine the impact of changing the name of the department of fish and game to the department of wildlife and marine resources, whereby we made it inexpedient to legislate.

SENATOR WHEELER: I voted with the prevailing side and I ask the Senate to reconsider HB 1274 and vote no.

SENATOR MCLANE: I speak in objection to reconsider and vote no. I would prefer to vote yes, and it is a genuine reconsideration. I came into the room, having been called out for a telephone call, and I voted the wrong way. I wish that we could have had a roll call. I think that it is symbolic that Senator TAPE INAUDIBLE to be called as the committee is in the House, Wildlife. I think that the least that we could do is to give them the courtesy of studying that vote. So, therefore, I would urge you to reconsider that motion and vote no.

SENATOR WHEELER: Senator McLane, before you co op Senator Hounsels, several Senators had lunch with Senator Hounsells today and he is definitely not in favor of the study committee and name change.

Question is on the motion of reconsideration.

Division vote requested.

Yeas: 10 - Nays: 13

Motion of reconsideration fails.

RECONSIDERATION

Senator Currier having voted on the prevailing side moved reconsideration on **HB 1550**, an act establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level, whereby we ordered it third reading.

SENATOR SHAHEEN: I would like to request from the Chair, that on reconsideration motions that the bills are identified and that we have a chance to look at them before we vote on whether to reconsider or not.

SENATOR CURRIER: This is the bill that Senator Colantuono had asked for a division on, but the vote had been called already. So I would just like to ask that the Senate reconsider this bill so that we might have a division to find out what the actual votes were on the bill.

Adopted.

Question is on ought to pass.

SENATOR COLANTUONO: I was asked by a certain Senator to elaborate on my remarks earlier in which I explained that the reason that this bill was unnecessary is because standing legislative committees already have the power to study the issue that is set forth in this bill. For the benefit of the people who were outside of this room when this bill was debated, this bill simply establishes a joint legislative study committee to study criminal prosecution and it directs that the members of the House Corrections and Criminal Justice committee and the Senate Judiciary committee to study this issue over the summer. I can assure you that if this bill passes, all that is going to happen is that the House committee is going to study this because five members of the Senate Judiciary committee are going to be busy running for reelection and doing other things. But RSA 17-d called permanent standing committees of the general court says, "each permanent standing committee of the House and the Senate is authorized to invite public officials and employees and private individuals to appear before it for the purposes of submitting information to it. Each such committee shall be authorized to maintain a continuous review of the work of the state agencies concerned with its subject area," etc., etc. That is why this bill is totally unnecessary. I will repeat my remarks that the only way that we are going to stop the waste of taxpayers money and stop the flow of unnecessary bills that are clogging up the system, is to stand up and defeat some of them. I would ask you to vote against the ought to pass and then substitute inexpedient to legislate.

Adopted.

Question is on the motion of ordering to third reading.

Division vote requested.

Yeas: 8 - Nays: 15

Motion of ordering to third reading fails.

SUBSTITUTE MOTION

Senator Colantuono moved to **substitute inexpedient to legislate for ought to pass.**

SENATOR PODLES: Mr. President and members of the Senate, HB 1550, establishes a joint committee to examine the best way to insure an efficient system of criminal prosecution at the District and the Superior Court level. The Attorney General's office is continually reevaluating the system and this bill is going to help solve various problems. I would urge you to have this studied, whether the Senators are going to sit in or whether the House members are going to sit in. I think that it is important.

SENATOR HOLLINGWORTH: Senator Podles, I am having a hard time remembering this bill and the testimony. But to my recollection, there wasn't any opposition to this study going forward?

SENATOR PODLES: Nobody testified in opposition, you're correct.

SENATOR HOLLINGWORTH: And the committee vote was pretty much unanimous, was it not?

SENATOR PODLES: I have, yes, it was unanimous. What I do is to mark the votes right down here on my report and the person who made the motion and the person that seconds the motion. I have all of that here for the record and then it goes into my file, and it is there for a couple of years.

SENATOR HOLLINGWORTH: Senator Podles, this is a motion for Senator Colantuono, did he vote on that bill?

SENATOR PODLES: According to him, he says no. But according to my records, he has. I am sorry to disagree with you, Senator Colantuono.

SENATOR HOLLINGWORTH: And to my recollection, Senator Podles, Senator Colantuono at the time of this motion voted in favor of it. In fact, isn't it true that I don't remember him speaking in opposition to the bill at that time? Is that true?

SENATOR PODLES: Yes.

SENATOR HOLLINGWORTH: Thank you.

SENATOR CURRIER: I rise in support of the pending motion. The only reason that we are back here is because of the parliamentary situation where the vote was declared before a division. We are just trying to take the vote over again. The votes were to kill it, but it was voted the other way and that is why we are back here in this junction, to see if in fact, that was the case on this move of reconsideration.

SENATOR SHAHEEN: I confess to changing my vote on this one. I have to be honest and say that I did that because I hadn't thoroughly read the bill before I voted the first time. I would certainly sympathize with Senator Hollingworth, who is feeling some frustration about how fast that we are moving. But I have to say that my concern about this bill is the fact that we are talking about studying the criminal prosecution system at the District and Superior Court level. And as you all know, I happen to have an interest in what happens at the District Court level, I suppose because my husband is a District Court Judge. So I do hear from time to time, about what is going on within the courts to address some of these problems. Two things about this bill concern me. First of all, there are no representatives from the court who would be involved in the study. I guess given that they're the people who have been dealing with the criminal prosecution system in the most intimate way, that they certainly ought to have some suggestions about how we might want to change it. The other thing I would just point out is, that as I said, because I know what is going on to some extent, at the District Court level, I know that there are on going committees within the court that are addressing this very issue and have been working for a number of years now and have several very significant recommendations that they're about to propose. And so I guess I have some reservation about having the legislature going in one direction while the court system may be going in the other. Given that, I can't support the bill. I think that it is not going to be the kind of thorough study that we might want to address the real problem.

SENATOR HOLLINGWORTH: Senator Shaheen, as you are aware, the court often conveys their feelings to us and in both the Judiciary in the House and in the Senate. There was absolutely no comments from them, either in writing or telephone calls which they most often do or an appearance. So it would be of my opinion, and since I know that Senator Podles sits on the committee that studies these bills, that they certainly would have contacted her. Wouldn't you believe that they would have conveyed to her any opposition to this legislation?

SENATOR SHAHEEN: I guess I would certainly think that that is probably true if they opposed it, but I guess my question is, why are we duplicating what is already going on and why would we want to do that again if it is on going?

Question is on the substitute motion of inexpedient to legislate.

Division vote requested.

Yeas: 14 - Nays: 9

Adopted.

HB 1550 is inexpedient to legislate.

TAKEN OFF THE TABLE

Senator Pignatelli moved to have **HB 1506-FN-LOCAL**, an act relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail, taken off the table.

Adopted.

SENATOR PIGNATELLI: When I asked you several weeks ago to put this bill on the table so that I could try and work out an amendment to allow people to register by mail, I really appreciate that support and your willingness to allow me to do that. As it turns out, I did not have the support to enable me to put a successful amendment on this bill to enable people to register by mail, so I am moving to pass this bill as it is now. I would hope that I would have your support for this amendment on another bill before the Senate this session. Thank you very much.

Question is on ordering to third reading.

Adopted.

Ordered to third reading.

Recess.

Out of recess.

ANNOUNCEMENTS

SENATOR HOLLINGWORTH (Rule #44): I would like to tell you that I would like to talk a little bit about HB 1550 and what happened today. I guess that I am going to approach it in fairness. The House Judiciary committee voted unanimous. Every single member that was there, to my knowledge, voted in favor of this bill. There was no discussion at the time on the motion of ought to pass from the committee. So I guess that in all the fairness, that I think that it would have been fair for the members of that committee to have told us that they had trouble with it, so that we could have prepared, and gone to the sponsor of the legislation, to be able to know how to answer their concerns. But that didn't happen. The bill came up on the floor, and when it came up on the floor, here in the Senate, the sponsor of the bill was standing right here behind my back. It passed. Had there been discussion, we could have said to the sponsor of the legislation, and I never thought that there was going to be a problem, since there were none in the committee, and since none of you appeared before the committee to say that they you had any opposition or even in any of the times leading up to the debate on this floor. Not one of you came forward and said that you had a problem with this piece of legislation, so that I could have tried to find answers. It is a little bit frustrating when you are here and you realize the importance, and I realize the importance of legislation, because many of you have come to me and have said that the House is killing our bills and that they are good pieces of legislation. And we all feel that our pieces of legislation are good. I am certain that Donna Lee Lozeau felt that hers was a good piece of legislation. But we denied her the right to take . . . or even to give her the knowledge that there was going to be opposition to this piece of legislation. So I guess that what I would like to say is that I would like to leave one thought with you on this issue because I am feeling quite frustrated and a little disappointed with what happened here today. I would like to say, do onto others as you would like to have done onto you.

SENATOR HOUGH (In the Chair): We don't respond to rule #44's, but the Chair will take responsibility. We were attempting to move upwards approximately 70 pieces of legislation here today. I was insensitive to the fact that Senator Colantuono wished, I believe, to have a division and I had called the vote. It is important that I know in advance if you have something that you wish to pass over and take up at the end of the session. Senator Hollingworth is absolutely correct. We are moving in this instant too fast; and had we held over, we could have that bill handled correctly. So I accept what Senator Hollingworth said. We want to move to get as many of these bills forward as we can. But we also want to know what we should pass over and take up. Her comments have not gone unnoticed.

MARY NELSON: As always you're too kind. And you know why I haven't come up in all of this time, simply because I hate to draw unnecessary attention to myself. But now that I am here, Junie . . . It is a thrill to see you all. It is a thrill to have been so well received. You know when you're a has been, it is not always a treat out there, but you people are great to me. While I have you here, I wanted to just tell you something. I want you all to know from me that in my ten years here, in the legislature, you were magnificently kind and generous to me. I know how I could be. I have an opinion on everything, and God knows I was never afraid to tell it. You were extremely compassionate when my mother was so ill. You were there when my kids were late for a soccer game, Rick. Eleanor letting me go earlier, listening to me complain. I have never had an opportunity to address you and to tell you all, how much and how wonderful and kind you all were, and how much more secure I feel about myself in my life because I was all the better for having known each one of you. You better stay straight, I am on a talk show in Nashua. I have messed up on not having some of you on, Jeanne and John King. I keep saying, come on down so that you will be there. Sheila Roberge, I heard that you don't like the radio, but, anyway, you are all doing a great job, I don't envy you. Susan is lucky that I am not sitting beside her anymore. You guys in the front row, Kenny, you didn't have the opportunity or the pleasure. Needless to say that Ralph is a dear, wonderful friend who taught me a lot. Junie taught me my first semester session up here, how to do it. Yeah, I came up to Concord because I owed a big favor to Junie, so I am going to Junie's event.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that we recess for enrolled bills reports; and that when we adjourn, we adjourn until Thursday, April 21, at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Reading

HB 127-FN, an act relative to private lease of state railroad real estate.

HB 134, an act relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and repealing the law governing the sale of wood.

HB 210, an act limiting the use of off highway recreational vehicles near occupied residences.

HB 325, an act allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates.

HB 370, an act establishing a local government advisory committee.

HB 387, an act relative to the use of gender neutral language in New Hampshire.

HB 388, an act relative to disclosures by the seller of real property.

HB 404, an act relative to the prohibited coercion of employees to make political contributions.

HB 410-LOCAL, an act relative to the appointment of a deputy town treasurer and the swearing in of town officers.

HB 411-FN-LOCAL, an act relative to the hours of polling in cities and towns.

HB 451-FN, an act requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.

HB 610-FN, an act requiring joint registration for primary craft and their tender.

HB 1117, an act relative to new motor vehicle arbitration.

HB 1119, an act authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus.

HB 1124, an act extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county.

HB 1147-FN, an act relative to parental liability for support of dependent children on public assistance.

HB 1151, an act prohibiting the use of certain motorized craft on Spoonwood Pond in the town of Nelson.

HB 1154, an act establishing a committee to study the feasibility of establishing a separate arbitration board for recreational vehicle defects.

HB 1157, an act extending the time for a motion for rehearing under RSA 541.

HB 1164, an act requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody.

HB 1171, an act relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services.

HB 1176-FN, an act requiring a writ of habeas corpus to be filed in the superior court of the county in which the person is incarcerated.

HB 1184-FN-LOCAL, an act establishing a committee to study the foreign exchange student programs in New Hampshire.

HB 1188, an act increasing the penalty for killing a police dog or police horse.

HB 1189, an act relative to emissions testing and establishing a committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act.

HB 1207-FN, an act relative to the administration of small estates.

HB 1211, an act relative to the authority of municipal water departments and to fees charged by such departments.

HB 1216, an act allowing the exclusion of certain corporate officers and members of limited liability companies from workers' compensation coverage.

HB 1222, an act requiring that recounts of certain secret ballot votes take place at the town or school district meeting.

HB 1238-L, an act relative to time computation for purposes of statutory construction.

HB 1247, an act allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances.

HB 1252, an act allowing mail claims in certain instances in filing for unemployment compensation, relative to disqualification for benefits due to self-employment, and relative to eligibility requirements for benefits.

HB 1272-FN, an act requiring the pari-mutuel commission to pay for certain laboratory urine tests.

HB 1293, an act amending the charter of the Union school district of Keene.

HB 1323-FN, an act requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates.

HB 1337, an act relative to designating a managing broker in a real estate branch office in the event of a vacancy.

HB 1345, an act relative to payments to the state treasurer.

HB 1356-FN, an act relative to the duties of the members and the director of the state veterans council.

HB 1364, an act changing the renewal date for a license to carry a pistol or revolver.

HB 1367, an act creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation.

HB 1369, an act requesting the judicial council to study issues regarding faxed documents.

HB 1392, an act making a second or subsequent obscenity violation a class B felony and modifying a definition of sexual conduct.

HB 1394, an act reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle.

HB 1410, an act relative to zoning board of adjustment rehearings.

HB 1411-Local, an act enabling municipalities to establish geographic information systems and charge fees for their use.

HB 1413, an act relative to the report of the public water rights study committee.

HB 1419-FN-LOCAL, an act relative to calculation of fees for motor vehicle registration permits.

HB 1438, an act adopting the striped bass as the state saltwater game fish.

HB 1447-FN, an act making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs.

HB 1455, an act making technical amendments to the business corporations laws and clarifying the limitation of liability of officers.

HB 1463, an act modifying the definition of angling.

HB 1474-LOCAL, an act allowing towns to maintain emergency lanes on class VI highways and private ways.

HB 1477, an act changing the judicial district for Thompson and Meserve's Purchase.

HB 1506-FN-LOCAL, an act relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail.

HB 1534-FN-LOCAL, an act establishing a task force to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee.

HB 1543-FN-A, an act relative to interest from youth development center resident trust accounts, allowing the administrator to establish other accounts, and changing the title of the "bureau of secure care" to the "bureau of residential services."

HB 1552-FN-LOCAL, an act relative to the certification of employer contributions by the retirement system board of trustees.

HB 1568-FN-LOCAL, an act requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution.

HB 1582-FN, an act relative to state house health services.

HCR 29, a resolution clarifying legislative intent on issues of local school board control.

HCR 31, a resolution urging that the northern forest of New Hampshire continue to be used to provide jobs for timber industry, recreation, and tourism.

HJR 22, a resolution urging Congress to pass the Federal Mandates Relief Act of 1993.

Senator Disnard moved that the business of the day being completed that we be in recess for enrolled bill reports.

Recess.

Out of Recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled Senate Bill:

SB 786, allowing manufacturers and dealers to sell certain motor vehicles in NH.

Senator Currier moved adoption.

Adopted.

LATE SESSION

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to Thursday, April 21, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Senator Disnard moved to adjourn.

Adopted.

Adjournment.

April 21, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

The decisions I make which are based upon fear inevitably bear scary results. The decisions I make which are based upon external pressure violate my God given integrity. The decisions I make which are based upon political expediency illustrate weakness in action. But the decisions I make which are based upon love give life - real life. It is no different for you. Vote your heart today then sleep well tonight. Great God of glory, invade this place today with the recklessness of Your love. Protect each of us from any anger, self righteousness or bitterness which may infect our spirits. And make us smart enough to trust You to guide when we ask. Amen

Senator Fraser led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 535-FN, relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans and providing for indemnification of board members, officers, and employees of the higher education and health facilities authority.

SB 565-FN, relative to state contracts.

SB 602-FN, relative to defaults on payments of motor vehicle fines or court appearances.

SB 628-FN, relative to regulation of youth camps.

SB 652-FN-A, making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families.

SB 664, relative to laid off state employees whose positions are federally funded.

SB 743-FN, relative to insurance coverage for children.

SB 801-A, increasing the department of transportation's authority to obtain certain bonds from 5-year bonds to 10-year bonds.

SB 807-FN-LOCAL, allowing the establishment of the Capital Wellness Center, Inc.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 214-FN-LOCAL, requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief.

SB 511, permitting the executive director of the department of fish and game to impose administrative fines.

SB 528, relative to central business service districts.

SB 537, relative to bonds issued by certain chartered towns.

SB 563, exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals.

SB 569, permitting the checking of traps at night subject to certain restrictions.

SB 574, relative to credit for reinsurance.

SB 578-LOCAL, relative to the collection of property taxes in certain municipalities.

SB 586, relative to licensing of cats and cat identification.

SB 620-LOCAL, standardizing the form used for abatement applications to municipalities.

SB 630, relative to the New Hampshire industrial heritage commission.

SB 707-FN, lowering the age of eligibility for a nondriver's picture identification card.

SB 727-FN, extending the driver attitude training program.

SJR 1, proclaiming 1993-1994 as university of New Hampshire year.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 106, removing the requirement that the state vaccinate bovines against brucellosis.

HB 404, relative to the prohibited coercion of employees to make political contributions.

HB 1114, relative to child support enforcement orders.

HB 1211, relative to the authority of municipal water departments and to fees charged by such departments and relative to the Freedom Village Water Precinct.

HB 1411-LOCAL, enabling municipalities and counties to establish geographic information systems and charge fees for their use.

HB 1506-FN-LOCAL, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Senate Bills sent down from the Senate:

SB 165-FN, relative to certification of landscape architects.

SB 640-FN, abolishing the advisory board of massage practitioners, establishing a regulatory board of massage practitioners, and specifying the board's duties, rulemaking authority, and fee collection procedures.

SB 789-FN-A-LOCAL, establishing a health care authority.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Senate Bill sent down from the Senate:

SB 226-FN, relative to special number plates for reserve members.

SB 504-FN-A, relative to funding for state literacy programs and making an appropriation therefor.

SB 505, establishing a study committee to review the statutory provisions relative to compulsory school attendance.

SB 512-FN, authorizing a New Hampshire Pearl Harbor survivor special number plate.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 545-FN, relative to the salary of the executive director of the pharmacy board.

SB 560, requiring participating districts in AREA school systems to negotiate withdrawal plans.

SB 583, establishing a committee to study the feasibility of issuing special license plates to nonprofit conservation organizations and using the proceeds from the fees to benefit nonprofit conservation organizations.

SB 596-LOCAL, relative to property taxes on property sold to religious and charitable organizations.

SB 619-FN, relative to a cost of living adjustment for retired firefighters.

SB 626-FN, abolishing certain state agency positions when current employees have left the positions, unless the general court reestablishes the positions.

SB 639, relative to medical records and the fee for retrieving medical record copies.

SB 643-FN-A, relative to examining the feasibility of building a civic/exposition center in Manchester and making an appropriation therefor.

SB 651-FN, creating a real estate recovery trust fund, to be funded by certain fees.

SB 675-FN, permitting the propagation and sale of Virginia white-tailed deer.

SB 687, relative to the duties of the legislative advisory committee on campaign financing statutes.

SB 703-FN, creating a university system research development fund.

SB 728-FN-A-LOCAL, providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor.

SB 769-FN, dividing any budget surplus between the revenue stabilization reserve account and state aid to education.

SB 797, repealing the ability of state agencies to be exempt from the purchase of recycled paper products.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 506, allowing matters of state or national concern to be placed on the official ballot used for the election of town officers.

SB 513, requiring the sweepstakes commission to use instant lottery tickets made from recycled materials.

SB 566-LOCAL, relative to membership on city planning boards.

SB 617, establishing a committee to study the problem of suicide among young people.

SB 648-LOCAL, amending the 10-year highway plan and requiring the department of transportation to construct northbound and southbound entrance and exit ramps on I-93 in the town of Thornton.

SB 764-FN, requiring the department of transportation to maintain and plow an additional one-mile stretch of Tri-Cothic Road in the town of Ellsworth.

SB 766-A, making an appropriation to the department of transportation for the construction of sidewalks in the Weirs Beach area.

SB 784, establishing a committee to study alternatives to the secure commitment of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 610, requiring joint registration for primary craft and their tender.

HB 1151, prohibiting the use of certain motorized craft on Spoonwood Pond in the town of Nelson.

HB 1337, relative to designating a managing broker in a real estate branch office in the event of a vacancy.

HB 1356, relative to the duties of the members and the director of the state veterans council.

HB 1419, relative to calculation of fees for motor vehicle registration permits.

HB 1463, modifying the definition of angling.

HB 1477, changing the judicial district for Thompson and Meserve's Purchase.

SB 214, requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief.

SB 544, relative to the requirements for sprinkler systems.

SB 561, limiting the right of seizure, setoff, or attachment against an individual retirement account or a simplified employee pension.

SB 569, permitting the checking of traps at night subject to certain restrictions.

SB 587, revising the penalty provision for carrying a weapon without a valid license.

SB 686, reclassifying a portion of Stratham Heights Road in the Town of Stratham.

SB 727, extending the driver attitude training program.

Senator Currier moved adoption.

Adopted.

COMMITTEE REPORTS

HB 1339, an act relative to bank boards of directors or trustees. Banks Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 599-FN-LOCAL, an act establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment. Education Committee. Ought to pass with amendment. Senator Disnard for the committee.

6050B

Amendment to HB 599-FN-LOCAL

Amend paragraph III as inserted by section 3 of the bill by replacing it with the following:

III. Enabling the development of a pilot program to be implemented in 2 public school districts (one urban and one rural) upon satisfactory review and approval of the report by the senate and house education committees.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1270-FN-LOCAL, an act establishing a committee to integrate any changes in the municipal budget act into the school district laws. Education Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1288, an act establishing a state advisory and oversight committee on the education of children with disabilities and in accordance with federal requirements. Education Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1524-FN, an act relative to the executive reorganization of the department of education. Education Committee. Ought to pass with amendment. Senator J. King for the committee.

6049B

Amendment to HB 1524-FN

Amend RSA 21-N:2 as inserted by section 1 of the bill by deleting paragraph III.

Amend the bill by inserting after section 24 the following and renumbering section 25 to read as 26:

25 Advisory Committee Established; Membership.

I. During the first year following the effective date of this act, there shall be a joint advisory employer/employee committee established within the department of education to review issues related to job assignments, work loads, training opportunities, internal communications, and any other matters which pertain to the successful implementation of the reorganization of the department of education authorized by this act.

II. The membership of this committee shall consist of 7 members, 3 of whom shall be appointed by the commissioner, 3 of whom shall be elected by the department's total employee membership, and one who shall be appointed by the executive board of the department's affiliate chapter of the State Employees Association.

III. The commissioner of education shall submit to the governor, the president of the senate, the speaker of the house, and the chairperson of the state board of education, not later than September 1, 1995, a report of the committee's activities, findings and recommendations, together with any other observations, concerns, and recommendations pertinent to the successful implementation of the department's reorganization.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1581, an act establishing a committee to study the University of New Hampshire cooperative extension, and changing the name of the extension service to "University of New Hampshire cooperative extension." Education Committee. Ought to pass with amendment. Senator Lamirande for the committee.

6056B

Amendment to HB 1581

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the University of
New Hampshire cooperative extension.

Amend the bill by deleting section 4 and renumbering section 5 to read as 4.

AMENDED ANALYSIS

This bill establishes a committee to study the University of New Hampshire cooperative extension.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 686, an act relative to legislative review of proposed administrative rules. Executive Departments and Administration Committee. Ought to pass. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1101, an act relative to the collection of protested checks by the department of safety. Ought to pass with amendment. Senator Currier for the committee.

6069B

Amendment to HB 1101

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the collection of protested checks by the department of safety and relative to an outside lease for the electricians board.

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Safety. Amend 1993, 349:1, 02, 15, 09, 01 as follows:

	FY 1994	FY 1995
Strike out:		
28 Transfer to general services D	\$2,927	\$2,927
Insert:		
22 Rents and leases other than state	2,927	2,927
3 Effective Date. This act shall take effect upon its passage.		

AMENDED ANALYSIS

This bill authorizes the commissioner of safety to adopt rules relative to administrative procedures for the collection of protested checks relating to drivers' licenses, vehicle registrations, titles, permits, or fees.

This bill also amends the electricians board budget in the department of safety 1994-95 state operating budget appropriation by providing money for an outside lease for the board. The amendment does not change the total appropriation for the department or the board.

This bill is a request of the department of safety.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

NOTICE OF RECONSIDERATION

Senator Baldizar served notice of reconsideration on **HB 1550**, an act establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

Senator Baldizar withdrew reconsideration motion.

HB 1108, an act relative to the appointment of members to the northeast interstate dairy compact commission and relative to the certification of milk laboratories. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

6065B

Amendment to HB 1108

Amend RSA 184:83 as inserted by section 5 of the bill by replacing it with the following:

184:83 Analysis Required. Each milk plant engaged in processing milk shall, at least once in each calendar month, collect and submit to [an ap-

proved] *a* milk laboratory, *which has been certified by the director under RSA 184:82-a*, for analysis a sample of milk of each producer supplying milk to such milk plant. Such laboratory shall determine the bacterial count of such samples as raw milk, such determination to be made by the standard plate count method, as well as a determination for such harmful substances as the milk sanitation board may by regulations require and shall keep a record of such findings for a period of not less than one year following any such findings which shall be open to inspection by the director. The laboratory shall make a report to the milk plant submitting any such samples, and said laboratory shall transmit a copy of each such report to the director.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1110, an act relative to the license waiver period for speech and language pathologists, and repealing the sunset review of the administrative attachment of the board of marital mediators. Executive Departments and Administration Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1121, an act repealing the standardbred breeders and owners development agency. Executive Departments and Administration Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1397, an act relative to a limitation on telephone company release of telephone call records. Executive Departments and Administration Committee. Inexpedient to legislate. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1500-FN, an act defining "out-of-state pharmacy" and requiring the registration of such pharmacies that sell to individuals within the state. Executive Departments and Administration Committee. Interim study. Senator J. King for the committee.

SUBSTITUTE MOTION

Senator Currier moved to **substitute recommit for interim study**.

Adopted.

HB 1500 is recommitted to the Executive Departments and Administration committee.

NOTICE OF RECONSIDERATION

Senator Currier served notice of reconsideration on **HB 1394**, an act reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle.

HB 1507-FN, an act relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act. Executive Departments and Administration Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1556-FN-LOCAL, an act establishing the position of fiscal officer for Rockingham county. Executive Departments and Administration Committee. Inexpedient to legislate. Senator Currier for the committee.

Senator Hollingworth moved to have **HB 1556-FN-LOCAL**, an act establishing the position of fiscal officer for Rockingham county, laid on the table.

Adopted.

LAID ON THE TABLE

HB 1556-FN-LOCAL, an act establishing the position of fiscal officer for Rockingham county.

HB 1574, an act extending the reporting deadline for certain study committees. Executive Departments and Administration Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1578, an act relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Colantuono for the committee.

6070B

Amendment to HB 1578

Amend the bill by deleting section 2 and renumbering sections 3-6 to read as 2-5, respectively.

Amend the bill by replacing all after section 4 with the following:

5 Repeal. RSA 14-B:2, I(g), relative to the membership of the attorney general on the legislative ethics committee, is repealed.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee by:

(1) Removing the attorney general as a member of the committee.

(2) Requiring all actions of the committee to be by an affirmative vote of 4 or more members.

(3) Detailing how complaints shall be submitted to and acted upon by the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1453, an act allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments. Insurance Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1466, an act including advanced registered nurse practitioners in insurance policies for certain conditions. Insurance Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1585-FN, an act consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds. Insurance Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1113, an act relative to claims filed under RSA 541-B against both the state and an agent of the state. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1244, an act repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act and repealing certain provisions regarding witness testimony and admissibility of evidence. Judiciary Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1256, an act allowing probate judges to accept other forms of securities in lieu of bonds from administrators of estates. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1435, an act relative to the penalty for a second or subsequent offense for carrying a pistol or revolver without a license. Judiciary Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1573, an act relative to the confidentiality of proceedings for guardianship of a minor. Judiciary Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 239-LOCAL, an act granting municipalities an option for quarterly billing and collection of property taxes. Public Affairs Committee. Inexpedient to legislate. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

Senator Lamirande in opposition to HB 239.

HB 1115, an act relative to violations of RSA 205-A. Public Affairs Committee. Ought to pass. Senator Lovejoy for the Committee

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1159, an act requiring manufactured housing park owners to compensate residents for relocation costs due to change in land use of the park. Public Affairs Committee. Interim study. Senator Barnes for the committee.

SENATOR BARNES: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

HB 1226, an act relative to filling vacancies on the county executive committee. Public Affairs committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1405, an act relative to voting and party membership. Ought to pass with amendment. Senator Roberge for the committee.

6029B

Amendment to HB 1405

Amend the title of the bill by replacing it with the following:

AN ACT

relative to voting and party membership, special write-in ballots for overseas and armed services voters, change of party affiliation, nomination by write-in votes, and the checklist used at village district elections.

Amend the bill by replacing section 2 with the following:

2 Time for Mailing Special Write-In Ballot. Amend RSA 657:10-a to read as follows:

657:10-a Special Overseas and Armed Services Election Write-In Ballot. Notwithstanding any other provision of the election laws, a qualified absentee voter may apply to a city or town clerk for a special write-in absentee ballot. These ballots shall be mailed by the town or city clerk no later than ***July 15 for voting in a state primary election, and no later than the date of the state primary for voting in a state general election***, to overseas citizens and armed services personnel who state they are unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas outside the United States and Canada. The ballot shall be prepared by the secretary of state and shall be, as nearly as practicable, the same as the official overseas citizens federal election ballot except that there shall be no candidate's names printed on it.

3 Change of Party Affiliation; Reference Added. Amend RSA 654:34-a, III to read as follows:

III. No application for a change of party affiliation shall be accepted on the day of a primary election, ***except as provided in RSA 654:34, I and II***.

4 Number of Write-In Votes Required to Receive Nomination. Amend RSA 659:88, I(a) to read as follows:

(a) A person whose name was not printed on the official state primary election ballot of a political party shall not be entitled to the nomination of that party for any office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that party on such state primary election ballot, whichever is the smaller, ***but in no event less than 5 write-in votes***.

5 Checklist Used at Village District Elections. Amend RSA 670:3 to read as follows:

670:3 Voters and Checklists. Any person having his domicile within the village district and qualified to vote as provided in RSA 654:1, 654:2 and 654:4-654:6 and whose name is on the village district checklist shall be entitled to vote in any village district election. [Upon petition of 10 or more such voters to the supervisors of the town checklist, acting as supervisors of the village district checklist, before any meeting, the supervisors shall prepare, post, and correct a checklist of the legal voters of the district, in the same manner as provided in RSA 654:25-654:31, except that the session required by RSA 654:27 to be held 3 weeks before the election shall not be required.] ***An updated checklist shall be used at all village district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5***. Such checklist or checklists, if the district is located in more than one town, shall be used in the election of district officers.

6 Nullification. 1994, 4:33, relative to an amendment to RSA 670:3, shall not take effect.

7 Contingent Nullification. If HB 510, an act relative to certificate of election blanks and write-in votes, becomes law, section 1 of HB 510 shall not take effect.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the election laws by:

(1) Allowing previously registered persons to vote the ballot of a newly recognized party only in the state primary election immediately following the party's official recognition, and in the presidential primary election immediately following the party's official recognition only if the presidential primary election precedes the state primary election to be held in the same year, and not in any subsequent state and presidential primary elections which follow that vote.

(2) Specifying when special write-in absentee ballots shall be mailed to overseas citizens and to armed services personnel for voting in state primary and state general elections.

(3) Clarifying that a change of party affiliation may be made on the day of a primary election, if the application is made before the supervisors of the checklist.

(4) Requiring that a person must receive at least 5 write-in votes in order to receive the nomination of a party in a primary election.

(5) Clarifying which checklist shall be used at village district elections.

The bill also adds a nullification provision and a contingent nullification provision to make technical corrections to 2 RSA sections which were amended by 1993 rereferred bills.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1415-LOCAL, an act relative to approval of the goals and future conditions section of the master plan by the local legislative body. Public Affairs Committee. Ought to pass with amendment. Senator Barnes for the committee.

6092B

Amendment to HB 1415-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

relative to approval of the goals and future conditions section of the master plan by the local legislative body, and relative to enacting zoning ordinances in the Mountain Lakes District.

Amend the bill by replacing all after section 2 with the following:

3 Master Plan Adoption and Amendment; Approval by Local Legislative Body. Amend RSA 674:4 to read as follows:

674:4 Master Plan Adoption and Amendment. The planning board [may, according to], *prior to adoption or amendment of any section of the master plan listed in RSA 674:2, I-IX in accordance with the procedures required under RSA 675:6, II, shall submit the section of the master plan listed in RSA 674:2, I to the local legislative body for approval in accordance with the procedures required under RSA 675:6, V. The planning board may adopt the sections of master plan*

listed in RSA 674:2, I-IX as a whole, or may adopt successive sections or parts of the plan. Sections or parts of the plan shall correspond with major geographical sections or divisions of the municipality, or with the functional elements of the plan, and may incorporate any amendment, extension, or addition to the plan.

4 Method of Adopting or Amending Master Plan. Amend RSA 675:6, II to read as follows:

II. The board or commission, as appropriate, may adopt or amend [the master plan] *the sections of the master plan listed in RSA 674:2, I-IX* or regulation upon completion of the public hearing by an affirmative vote of a majority of its members.

5 New Paragraph; Method of Adoption of Master Plan. Amend RSA 675:6 by inserting after paragraph IV the following new paragraph:

V. Upon completion of the section of the master plan listed in RSA 674:2, I, the planning board shall, in the case of a town, submit that section to the selectmen, who may submit that section for inclusion on the warrant for approval at the town meeting. In the case of a city, the planning board shall submit that section to the appropriate governing body for its review, which may forward the section to the legislative body for its approval as appropriate. Failure to gain approval of this section from the town meeting or from the local legislative body of the city shall not invalidate the existing master plan. The planning board shall continue to work on the goals statement and resubmit the document to subsequent town meetings or to the local legislative body of the city for approval.

6 Mountain Lakes District. Pursuant to RSA 675:3, the Mountain Lakes District, a village district established pursuant to RSA 52 in the town of Haverhill, is hereby authorized to enact zoning ordinances in accordance with the provisions of RSA 675.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the procedure for adopting and amending master plans by:

(1) Amending the general statement section of the master plan.

(2) Requiring the planning board to solicit public involvement and participation.

(3) Requiring the planning board, prior to adoption or amendment of the remaining sections of the master plan, to submit the section of the master plan dealing with the goals and future conditions which the plan is designed to achieve to the local governing body for review, which in turn is given the authority to submit this section to the local legislative body for its approval.

The bill also authorizes the Mountain Lakes District, a village district in the town of Haverhill, to enact zoning ordinances.

SENATOR BARNES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1468, an act allowing builders to use native lumber when the lumber is certified or stamped by a New Hampshire wood processing mill. Public Affairs Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1498-FN-LOCAL, an act relative to the type of voting machines which may be used in municipalities. Public Affairs Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1450-LOCAL, an act permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills. Public Affairs Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

6083B

Amendment to HB 1450-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

permitting municipalities to expand the information contained on property tax bills and to include other bills and tax abatement information mailings with property tax bills.

Amend the bill by replacing section 1 with the following:

1 Option to Include Other Bills and Tax Abatement Information With Tax Bills. Amend RSA 76:11 to read as follows:

76:11 Delivery of List; Notice to Taxpayer; *Other Bills*. Such list shall be delivered to the collector within 30 days from the receipt of information by the selectmen from the commissioner of revenue administration of the rate percent of taxation as provided in RSA 41:15, unless for good cause the time is extended by the commissioner of revenue administration. The collector shall, within 30 days after the receipt of such list, send to every person taxed, a bill for such taxes by first class mail, unless for good cause the time is extended by the commissioner of revenue administration. Said bill shall be mailed separately and not included with mailing of other town *or city* bills, *unless the governing body of the town or city votes to mail other town or city bills or tax abatement information along with the tax bill*. Upon written request of a mortgagee or its representative, the tax collector of a city or town shall mail a duplicate copy of the property tax bill, as it was sent to the property taxpayer, to the party making such request. Other form of notification of tax owed, acceptable to the mortgagee and the tax collector, may be substituted for the duplicate tax bill. A separate written request, with specific property identification, shall be required for each duplicate copy or form. The governing body of a city or town may establish a reasonable fee to be charged for each duplicate copy or form. Resident tax bills may be included with property tax bills when the inclusion of such resident tax bills will not unduly delay the mailing of either the resident or property tax bills.

Amend the section heading of RSA 76:11-a as inserted by section 2 of the bill by replacing it with the following:

76:11-a Information [Required].

AMENDED ANALYSIS

This bill permits the governing body of a municipality to vote to expand the information contained on property tax bills and to vote to include other municipal bills and tax abatement information with property tax bills.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1566-FN, an act relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in places which are organized and which are not organized for voting, and relative to the declaration of intent form which must be filed by candidates. Public Affairs Committee. Ought to pass with amendment. Senator Delahunty for the committee.

6085B

Amendment to HB 1566-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in places which are organized and which are not organized for voting, relative to the declaration of intent form which must be filed by candidates, and relative to filing for a special election primary.

Amend the bill by replacing section 6 with the following:

6 Special Election; Filing with Town or City Clerk. Amend RSA655:81, III to read as follows:

III. Under RSA 655:15, the official with whom state representative candidates shall file shall be the secretary of state, *except that a state representative candidate may file with the appropriate town or city clerk under RSA 655:15 or with the secretary of state during the first Monday and Tuesday only of the filing period in towns and cities in which the clerk's office is open on one or both of those days, in which case the town or city clerk shall forward each declaration of candidacy to the secretary of state on the same day on which the declaration is filed*; and

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the duties of the secretary of state by:

(1) Providing that the province records shall be kept in the state archives rather than in the vaults of the state library.

(2) Repealing the requirement that the secretary of state account for fees received for official acts and pay these fees over to the state treasurer.

(3) Repealing the requirement that the secretary of state prepare certificate of election blanks.

The bill amends the declaration of intent form which nonparty and other candidates must sign by changing "qualified" voter to "registered" voter, and corrects the list of offices to be voted for under RSA668 in places which are and which are not organized for voting.

The bill also allows state representative candidates in a special election primary to file their declaration of candidacy with the appropriate town or city clerk during the first Monday and Tuesday of the filing period in towns and cities in which the clerk's office is open on one or both of those days, as an alternative to filing with the secretary of state.

SENATOR DELAHUNTY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HJR 21, an act urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States. Public Affairs Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: It appears that some Native American remains were exhumed in the summer of 1821 by two gentlemen from Bedford, New Hampshire. These are the possible remains of Chief Passaconaway Sagamore of Penacook. Actually their graves were looted and their remains were sent over to France. This is a resolution urging Congress to obtain those remains and bring them back to New Hampshire so that they can be buried properly in this state and complete the cycle of life. We had a very interesting hearing the other day, and several Indians, Native Americans, came to testify about this bill. It is a very emotional subject for them. They would like to have one of their leaders back in New Hampshire where he belongs, and the other Indian remains as well. I am happy to urge support of this resolution.

Adopted.

Ordered to third reading.

HB 635-FN, an act relative to social security cost-of-living increases to residents of residential care facilities and community residences and establishing a committee to study the rate structure of residential care facilities. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator J. King for the committee.

6055B

Amendment to HB 635-FN

Amend the bill by replacing sections 2 and 3 with the following:

2 Committee Established; Duties. A committee is hereby established to study the rate structure of residential care facilities, the personal needs allowance of residents, and all other aspects relative to residential care facilities and their residents.

3 Membership. The committee shall consist of the following members:

I. Three senators, appointed by the president of the senate.

II. One house member, from the appropriations committee, appointed by the speaker of the house.

III. One house member from the health, human services and elderly affairs committee, appointed by the speaker of the house.

IV. One house member, appointed by the speaker of the house.

V. Two persons representing providers, appointed by the New Hampshire Association of Residential Care Homes, one of whom shall be from a supported residential care facility as provided in He-P 805 and one from a residential care home as provided in He-P 804.

VI. One person from the division of human services, department of health and human services, appointed by the commissioner of the department of health and human services.

VII. One person from the division of mental health and developmental services, department of health and human services, appointed by the commissioner of the department of health and human services.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Senator J. King offered a floor amendment.

6094B

Floor Amendment to HB 635-FN

Amend section 3 of the bill by inserting after paragraph VII the following new paragraph:

VIII. One person representing community residence providers, appointed by the commissioner of the department of health and human services.

SENATOR J. KING: This floor amendment just adds one person who is representing community residence providers and that person is appointed by the commissioner of the Department of Health and Human Services. That is all that it does.

Floor amendment adopted.

Ordered to third reading.

HB 1400, an act relative to providing pain relieving medication to individuals who are terminally ill. Public Institutions, Health and Human Services Committee. Interim study. Senator Wheeler for the committee.

SENATOR WHEELER: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

HB 1456, an act relative to mental health care service providers. Public Institutions, Health and Human Services Committee. Ought to pass. Senator McLane for the committee.

MOTION TO RECOMMIT

Senator J. King moved to recommit **HB 1456**, an act relative to mental health care service providers, to the Public Institutions, Health and Human Services Committee.

Adopted.

HB 1456 is recommitted to the Public Institutions, Health and Human Services committee.

HB 628-FN, an act requiring the department of safety to keep drivers' records confidential except for certain reasons. Transportation Committee. Ought to pass with amendment. Senator MacDonald for the committee.

5980B

Amendment to HB 628-FN

Amend RSA 260:14, III(a) as inserted by section 1 of the bill by replacing it with the following:

III.(a) Notwithstanding RSA 91-A or any other law to the contrary, any records kept by the department of safety under the requirements of paragraph I shall be made available to any person or entity, not expressly referred to in paragraph II, only in response to a request submitted pursuant to rules adopted by the commissioner of safety pursuant to RSA541-A. Such rules shall provide for access by any person or entity which has an appropriate legal, business or journalistic purpose, and procedures to prevent access to any unauthorized person or entity.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1995.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1208, an act creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters. Transportation Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1283, an act relative to transporting loads on highways and establishing fines. Transportation Committee. Ought to pass with amendment. Senator MacDonald for the committee.

6000B

Amendment to HB 1283

Amend the title of the bill by replacing it with the following:

AN ACT

relative to transporting trash and scrap metal.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Trash; Scrap Metal. Amend RSA 266:72 by inserting after paragraph II the following new paragraph:

II-a. No person shall operate on any way any open vehicle loaded with trash or scrap metal, unless the load is covered with and secured by a close-fitting tarpaulin which prevents the escape of any trash or scrap metal from the load onto the way. For the purposes of this paragraph "scrap metal" means any manufactured metal articles or parts rejected or discarded and useful only as material for reprocessing.

2 Adding Reference. Amend RSA 266:72, IV to read as follows:

IV. The provisions of paragraphs I, II, *II-a*, and III of this section shall not apply to a local farmer transporting his own farm products or materials incidental to his farming operations where such transporting requires incidental use of a way, provided that such farmer shall not thereby be relieved of his duty to exercise reasonable care in carrying on such operations.

3 Adding Reference. Amend the introductory paragraph of RSA 266:72, V, read as follows:

V. The provisions of [paragraph II] *paragraphs II and II-a* shall not apply to:

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires anyone transporting trash or scrap metal on New Hampshire's highways to cover the load to prevent spillage.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1313-FN, an act requiring the department of safety to issue an automotive recycling dealer with as many sets of number plates or as many as such person may require. Transportation Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1436, an act exempting vessels in the federal channel from reduced speed requirements. Transportation Committee. Ought to pass. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HJR 20, an act urging the Federal Highway Administration to include certain segments of U.S. Route 2 in the new "National Highway System." Transportation Committee. Ought to pass with amendment. Senator Lamirande for the committee.

6071B

Amendment to HJR 20

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION

urging the U.S. Congress to include certain segments of U.S. Route 2 in the new "National Highway System."

Amend the resolution by replacing all after the resolving clause with the following:

That the general court urges the U.S. Congress to include U.S. Route 2 between Montpelier, Vermont and Bangor, Maine, as recommended by the Federal Highway Administration, in the U.S. National Highway System; and

That the general court urges the New Hampshire Congressional delegation to vote for inclusion of U.S. Route 2 in the U.S. National Highway System; and

That copies of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by the clerk of the house to the President of the United States, director of the Federal Highway Administration, and the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This joint resolution urges the U.S. Congress to include certain segments of U.S. Route 2 in the new "National Highway System."

SENATOR LAMIRANDE: U.S. Route 2 which connects Vermont and Maine through New Hampshire is an important road in the east and west route. The heavy traffic on the road has caused damage, and inclusion in the national highway system would free up needed federal money. Federal highway administration is already considering the designation. This resolution urges the Federal Highway Administration to include certain segments of U.S. Route 2 in the National Highway System. I am very happy to have played a small part as being a cosponsor to HJR 20 along with the prime sponsor, Representative Guay, Representative Chandler, Representative Horton, Representative Bradley, Senator MacDonald and myself. We urge your support of ought to pass.

Amendment adopted.

Ordered to third reading.

HB 1155, an act establishing a committee to study the economic feasibility of the sale of state signs, special state license plates, and other related state items. Ways and Means Committee. Inexpedient to legislate. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1321-FN, an act relative to liquor licenses for full service restaurants. Ways and Means Committee. Ought to pass with amendment. Senator J. King for the committee.

6044B

Amendment to HB 1321-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to liquor licenses for full service restaurants and requiring on-sale liquor license applicants to obtain all required local permits and licenses.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Paragraph; Required Local Permits and Licenses. Amend RSA179:26 by inserting after paragraph II the following new paragraph:

III. If required by local communities, all on-sale licensees shall have a valid certificate or permit issued by local authorities demonstrating compliance with applicable zoning and building code ordinances before the commission shall issue a license.

AMENDED ANALYSIS

This bill permits full service restaurants and full service hotel restaurants licensed by the liquor commission to serve liquor as well as beverages and wine when the dining room is open and meals are being served, whether or not a meal is ordered.

The bill reduces the food sales requirement for full service restaurants.

The bill also requires applicants for on-sale liquor licenses to obtain a certificate or permit demonstrating compliance with applicable zoning and building ordinances, if such a certificate or permit is required by local communities.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1493-FN-A, an act relative to tax refunds from the department of revenue administration. Ways and Means Committee. Ought to pass with amendment. Senator Russman for the committee.

6045B

Amendment to HB 1493-FN-A

Amend RSA 21-J:29, I(d) as inserted by section 3 of the bill by replacing it with the following:

(d) Notwithstanding subparagraphs I(b) and (c), any claim for refund or credit of taxes based upon a claim that the tax or any provision thereof is unconstitutional under the federal or state constitution shall be made within 120 days of the due date of the tax upon which such refund is claimed.

Amend the bill by replacing sections 5 and 6 with the following:

5 Applicability. The provisions of section 3 of this act shall not bar any existing right to claim a refund; provided, however, that every such claim shall be made according to the provisions of RSA 21-J:29 within 90 days of the effective date of this act.

6 Effective Date. This act shall take effect January 1, 1995.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HCR 30, an resolution urging the state board of education to encourage local school districts to foster curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect. Education Committee. Ought to pass. Senator Currier for the committee.

SENATOR CURRIER: The bill is a resolution which urges the State Board of Education to encourage local school districts to foster curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect. The testimony at the hearing, supporters testified that this resolution encourages local school districts to teach about respect and tolerance to differences. They contend that this is especially important because children in New Hampshire may not have the contact with people who are different from themselves. Testifying in favor of the bill was the Manchester Cultural Diversity Task Force, The Multi Racial Youth and Family Alliance and the Department of Education. No one testified in opposition to the bill. The committee voted it out four to zero. We urge the full Senate to concur with the sentiment of the Senate Education Committee. I would add also, that the House Education committee reported the bill out as ought to pass fifteen to zero.

SENATOR LOVEJOY: Senator Currier, were you as surprised as I am, that the State Board of Education doesn't already encourage such things, or in fact, do they encourage such things?

SENATOR CURRIER: Well I think that they probably do. I can't imagine that they discourage anything of this sort. But this is a resolution that is urging them to take another look at this to bring this to a heightened awareness at the local school board level. One of the things that was pointed out was that as many as a third of the population of the state of New Hampshire is of French descent, and that is another whole issue that needs to be addressed as well.

SENATOR LOVEJOY: Could you elaborate, Senator, on what is viewed in the recommendation to be teaching multicultural issues. What does that mean?

SENATOR CURRIER: I think, Senator, if you take the bill and read the various whereases, I think that you will get a flavor of the thing. But, as populations in New Hampshire increase, and in the various ethnic and multicultural groups, that would be, I assume, hispanic and Portuguese and black Americans and so forth, that there is a need to expand those programs in those cultural areas.

SENATOR LOVEJOY: Would you believe, Senator, that I certainly support the teaching of these values and my reason for questioning you on this is because I thought that it should be discussed before this body, and the explanation should be made before we vote on it?

SENATOR CURRIER: Thank you, Senator. I do believe that you believe that; and furthermore, there have been other situations where we have passed a lot of feel good legislation and just to heighten the awareness of various groups and so forth, regarding specific issues dealing with the state of New Hampshire.

SENATOR COLANTUONO: Senator Currier, this is a very simple question. If we direct the board or encourage the board to encourage local districts to produce these new curricula which will teach multiculturalism, what are they going to take out of their current curriculum that they are teaching now, so that the students will miss out on that subject? In other words, what is this going to replace?

SENATOR CURRIER: This here is a local option. I would assume that it is not going to replace anything. That it would be an added subject to the current curriculum.

SENATOR COLANTUONO: Does that mean that we are extending the school day to teach this new information?

SENATOR CURRIER: Senator, as I said, this is a local option. The local school boards will be making those decisions, not this Senate.

Adopted.

Ordered to third reading.

Senators Colantuono and Wheeler in opposition to HCR 30.

HB 1368, an act establishing a commission to examine governmental reorganization. Executive Departments and Administration Committee. Ought to pass. Senator Currier for the committee.

SENATOR CURRIER: This bill establishes a commission to examine governmental reorganization. This commission will identify opportunities for restructuring state government that will promote efficiency and cover cost saving, enhance accountability and control and improve coordination, reduce redundancies in state government and provide better government for taxpayers' dollars. The purpose of the commission is to find out where duplicated services exist and eliminate it to enable the state to deliver more services to the public without the need of raising taxes. This commission is based on the successful experience of similar efforts in Oregon and California, and will deliver its report together with legislation not later than November 15, 1994. To answer the question before it is asked, how can a commission do this in that short period of time? There will be very good appointments and they will know what they are doing from the start.

SENATOR COLANTUONO: I rise to speak in opposition to this bill for the very simple reason that it is totally unworkable. Now we passed a lot of legislation through here, and sometimes we don't always know what is in each bill, especially if it is a study committee. We tend to glide over those. But I would like you to take the opportunity to look at this bill right now and see whether you think that it is realistic? This bill sets up a study committee. It states that the first meeting has to be held within 45 days of the effective date. It requires that their work product is to be presented to a public hearing, not later than October 1, and that a report be out by November 15 of this year. This bill is designed to study the entire state government structure of New Hampshire. It has five objectives set out on page three to examine the current structure of the executive branch, identify organizational weaknesses, and review recent organizational activities occurring in states with similar problems to those in New Hampshire,

development recommendations and legislative proposals and focus in on the need for every state agency, board and commission, to study the need for the agency, the public accountability and general administrator of efficiency. If we appointed a commission today, that worked 24 hours a day between now and the dates that I have pointed out, there would be no way that they would be able to finish the job then. Obviously, the idea of studying state government is always a good idea and an on going basis. But this particular bill is so flawed, and so unrealistic, that I don't think that it should pass. Thank you.

Recess.

Out of recess.

Senator Lovejoy moved to have **HB 1368**, an act establishing a commission to examine governmental reorganization, laid on the table.

Adopted.

LAID ON THE TABLE

HB 1368, an act establishing a commission to examine governmental reorganization.

TAKEN OFF THE TABLE

Senator J. King moved to have **HB 531**, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

Adopted.

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

SENATOR COLANTUONO: This bill was a bill that came out in the 1993 session from the House. It came over to us, and we held an extensive hearing on it and it was rereferred over the summer and we held further hearings on it and discussions. What the bill does is that it prevents a person from running on more than one side of the ballot as we're allowed to under current law. Under current law, if a person files to run for a Republican for example, and there are no candidates who file for the Democratic or Libertarian side of the ballot, theoretically, if that person receives enough write-in votes in the other primaries, they can be listed as the candidate of the other party on the ballot for November. What that rule allowed to happen in the last election was, that three or four Libertarian candidates who filed as Libertarians, in races in which there are no major party candidates in either one or both of the parties, I believe that it was just one party in each case, they went out and got their friends who were registered voters in those parties, to write them in and they became then the nominee of the major party, thereby winning the election in November. That upset certain members of the House and they put this bill in to prohibit that from happening. In other words, to be very blunt and frank, this is a bill designed to harm the Libertarian party. When it became clear that that was the intent, I think that the members of the committee started feeling a little bit uncomfortable about it. Then when the Secretary of State, Bill Gardner, came into the committee to give his testimony and opinion about it, he basically said, and as you all know that Bill Gardner is a Democrat, and he has a long history of being the Secretary of State and experience in election matters. He basically said that this bill really does harm to the Democratic ideals that the voters in a primary can elect any person that they want to represent their party in November. He also said, for example,

in the case that I cited, of a person who signs up as a Republican and there is no Democratic opposition, if the Democratic voters in that district decide that they want that Republican Candidate to be their nominee, and that candidate gets the most votes, there is no reason why a law should prohibit that from happening and vice versa. It works all ways of course. So once we received that testimony, I think that most of us were convinced that he was right that this bill is a very anti-democratic, small 'd' bill. It does harm to the notions that the people in our state should be entitled to vote for whomever they want to vote for to represent their party in the November election. For that reason, we recommended inexpedient to legislate, it is fairly simple.

SENATOR LAMIRANDE: Senator Colantuono, how would this affect an individual voter as far as in the primary if they chose to write in someone from the opposite party?

SENATOR COLANTUONO: In the case where . . . if this bill passed and an individual candidate, an individual voter, wanted to write in a candidate running in the other party, is that what you are talking about?

SENATOR LAMIRANDE: Yes.

SENATOR COLANTUONO: Their votes would not be counted because it would be illegal for that person to win that primary. It would take away their franchise in other words.

SENATOR LAMIRANDE: Thank you.

Question is on the committee report of inexpedient to legislate.

SUBSTITUTE MOTION

Senator J. King moved to **substitute ought to pass for inexpedient to legislate.**

SENATOR J. KING: HB 531 prohibits persons from running for a candidate on more than one party ticket in the state primary and the general election. This bill allows the person to be the candidate only of the party of which he or she is declared to be a member when filing the declaration of candidacy. The bill also forbids the person who ran in one party primary from being the candidate of a different party in the state's general election. Remember those who vote in the primary, have to designate and be a member of the party of the ballot that they chose. In a primary, a registered Democrat cannot go in and vote on a Republican ballot or vice versa. Each has its own separate ballot and that is the purpose of the primary, to select the candidate that will represent that party. As said before, in primary, the declared voter is to select the candidate for his or her party, not the other party. First of all, a candidate cannot get on the ballot if you are not a registered Democrat, Republican or Libertarian. Even the independents who wish to vote, have to designate the party that he or she wishes to switch to, to vote. If no candidate has filed for any of the slots of the ballots during the primary election, one would think, rightfully so, that no person of that political persuasion has decided to seek that office. That should only mean that the opposition candidates probably won't have an opponent in the general election. If during the general election, the candidate of the party with the empty slot, then it could only be filled by the party which has that empty slot. Again, let me remind you, that the primary should be to designate which candidate should represent his party, not the opposition's party. There is not much difference between this and the poor loser law, which bars a person from running for office if the candidate lost his or her primary to accept the nomination of the other party. For example, as Sena-

tor Johnson did, in the district which now my colleague to my right, Senator Barnes, represents. Allowing the same candidate to appear on the ballot of the general election more than once as a result of the primary, prevents one or two parties from being able to put up a candidate of their own choice in the general election, and that is not the purpose of the primary. This does not stop the people from voting in the general election, for that person that they were going to vote for in the primary. They can still vote for him in the general election, or for her. It does not stop anyone from the other side. Both lists of candidates, Democrats and Republicans and Libertarian. The three of them are on the ballot. You can take any one of your choices in the general election. But believe me, if you vote for more than one, then your vote doesn't count. You can only vote for one of them. That is the way that it should be in the primary. The primary process was designed so that parties could determine their own candidates for their party, by that party, and not by the opposing party. Again, remember the purpose of the primary election, which I believe, replaces the old caucuses, which everybody thought wasn't the right thing to do, just to set up candidates that are registered to a specific party. If we state that no name shall appear more than once in the general election, as HB 531 does, it would serve the purpose of the primary. There is no need of having primaries if you come in with a list of candidates. You can do the same thing in the general election. You just put the names all in there and winner takes all. The purpose of the primary is to determine who is going to represent that party, not two parties, that one party; either Democratic party of the Republican party or the Libertarian party and any other that become accepted by the state. In the primary, a person is not allowed to place a name on the three party slot in filing for office, why not? Because they can't do it. Because you have to be a member of that party. So it should be that no candidate should appear for the same office in more than one place on the ballot in the general election. I might add here, that in reference to what Senator Colantuono said about stopping any party from voting or putting in the Libertarian party, definitely not. But it doesn't stop people from writing in on the ballot during the primary. You can write in names if you want to. This only stops you from having two names or three names on the ballot in the general election. It has nothing to do with who you vote for in the primary. If you want to vote for the other candidate, you can write him on your own ballot. You just can't be voting for more than one party in the general election. HB 531 does not disenfranchise voters. It results in less confusion for the voters, the voter will know what party the candidate represents and really represents. It provides no advantage to the incumbency. HB 531 would eliminate a cut down on almost forcing people to run for office, just so some party can have their name on the ballot. It is sort of a joke when it comes around to election time, that they are trying to look for a candidate to fill a slot. Let the voters decide, if you can't find one, let them decide what they have to do and what they want to do. Let them decide in the general election. HB 531 restores value of parties in the primary election and in the general election. It eliminates a situation when a candidate appears more than once on a ballot causing some people to vote for them more than once. Some people think that by doing that, that they are voting for that person two and three times. What they actually are doing is eliminating the single vote that that person would have been getting. It prevents ten or more voters or even less from choosing an individual to be the candidate of an opposition party during the general election, and I don't think that that is right. It helps simplify any recounts and it provides to those who vote straight tickets. We had a bill on straight tickets and everyone was saying how important that was. The same group that is oppos-

ing this today, that because of being loyal to their party and they have the feeling that they are sure that they are voting for a member of that party and not a member of the other party, because they would not be aware of that most likely. Give the people a choice to determine whether or not they want to cross back and forth in the general election. Don't decide that in the primaries. I urge ought to pass.

SENATOR LOVEJOY: Senator King, why is it that you feel that people shouldn't have the free choice of selecting their candidates, no matter who they are, to appear on their ballot?

SENATOR J. KING: I have no objections at all, Senator Lovejoy, with people selecting their candidates. The primary is to select the person who represents that Democratic or Republican party, that is what the primary is set for, to determine who is going to represent that party. When it comes to the general election, the ones that won in the primary, can be decided at that time, by the people. They can crossover anywhere that they want to on that ballot. You are not taking any franchise away from anybody.

SENATOR LOVEJOY: Isn't it true, that if the majority of one party wants to have the candidate of the other party represent them, that what the bill that you proposed would prohibit that?

SENATOR J. KING: The bill that I propose would not prohibit that. It would give them that chance to vote in the general election for the candidate that they want. If you won your election and someone won the votes for you on the Democratic side in the general election, there is nothing to stop it. But in the primary, they would not be allowed to vote on both sides of the ticket; therefore, you would be selecting a Democratic candidate if there was one, and if there isn't then it would be vacant and you would have your Republican or Libertarian candidate. It doesn't take any franchise away from anybody. It serves the purpose of what we have the primary election for, and what we have the general election for.

SENATOR LOVEJOY: Senator King, isn't it true, that in the primaries, if the majority of Democrat voters selected Senator Barnes for either candidate, what you proposed would prohibit him from appearing on the Democrat side of the ticket?

SENATOR J. KING: I propose that the primary be used just what it is specifically supposed to be used for, selecting a party candidate that is registered as that party in the primary. I have no objections to the person voting for Jack Barnes in the general election, because that is what the general election does. Here are the candidates that come out for the Democratic party, and here are the candidates that come out for the Republican party, and here are the candidates for the Libertarian party. Now we have our general election and you decide which one that you want. You can switch back and forth in a wide range. So I am not proposing to take anything away from anyone.

SENATOR LOVEJOY: I understand, Sir, what you are saying. But you didn't answer my question. If the majority of the Democrats selected the Republican candidate, wouldn't your bill prohibit him from appearing on the Democrat side?

SENATOR J. KING: And the same thing would result if it was for the other side

SENATOR LOVEJOY: Would it or not, sir?

SENATOR J. KING: It would eliminate him from being on that ticket.

SENATOR LOVEJOY: Alright.

SENATOR J. KING: Now wait a minute. But it doesn't eliminate him from being on the ticket in the general election, in his own place, where he should be.

SENATOR LOVEJOY: Okay, thank you.

SENATOR CURRIER: I rise in support of the pending motion. As one of the recent, I guess, new members of the Rhino Association. I think that what Senator King and this legislation are proposing, makes a lot of sense to me. You can't be a boy and a girl, okay? You can't, so to speak. You can't have your cake and eat it too. If you're a Republican, your a Republican. If you're a Democrat, you're a Democrat. If you're a Libertarian, you're a Libertarian. But you shouldn't be able to on the ballot on all three places. You have to declare yourself somewhere, Senator Lovejoy. I think that this bill would actually do that. If you are either going to be a Republican or a Democrat or an independent or whatever other party affiliation that is out there that has a position on the ballot. But I think that it is about time that a Democrat can appear, in my case, it is a partisan issue, because I had a Democrat in my district who appeared in the ballot in three places, as a Democrat, as a Republican and a Libertarian, yet she is a registered Democrat. That does not make any sense to me. It is confusing to the voters, because they do, in fact, think that they can vote for that person in three spots, when it says, "select one". The ballot is confusing enough. I think that it is about time that we put some truth into the ballot and actually passed this bill so that it doesn't exist anymore.

SENATOR SHAHEEN: I would like to support what both Senators Currier and John King have said. How can we ever convince the voters that we are serious about electoral reform if we are not willing to make decisions that may not be in our own best self interest? That are certainly going to be in the best interest of the voters? I would urge everyone to support this bill.

Question is on the substitute motion of ought to pass.

A roll call was requested by Senator Wheeler.

Seconded by Senator Pignatelli.

The following Senators voted Yes: Lamirande, W. King, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 13 - Nays: 10

Adopted.

Ordered to third reading.

Recess.

Out of recess.

HB 1432, an act amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. Judiciary Committee. Majority report: Ought to pass with amendment. Senator Cohen for the committee. Minority report: Inexpedient to legislate. Senator Podles for the committee.

6039B

Amendment to HB 1432

Amend RSA 21:49 as inserted by section 2 of the bill by replacing it with the following:

21:49 Sexual Orientation. "Sexual orientation" means having or being perceived to have emotional or sexual attractions, affinities, or attachments to persons of the same or opposite sex. It shall in no case include advocating, attempting, or committing any act which would be a crime in this state, nor any sexual attraction, affinity or attachment to children by an adult.

Amend RSA 354-A:1 as inserted by section 6 of the bill by replacing it with the following:

354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights. The general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, race, creed, color, [marital status,] familial status, physical or mental disability or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. ***The general court also finds and declares that marital status and sexual orientation differ in many legal and cultural respects from age, sex, race, creed, color, familial status, physical or mental disability or national origin, but that discrimination based upon marital status or sexual orientation in the particular matters of employment, housing, and public accommodation, threatens the livelihood, household security, and dignity of its inhabitants and the general welfare of the state.*** A state agency is hereby created with power to eliminate and prevent discrimination in employment, in places of public accommodation and in housing accommodations because of age, sex, race, creed, color, ***sexual orientation***, marital status, familial status, physical or mental disability or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

Amend the bill by replacing section 7 with the following:

7 Definitions; Public Accommodation; Sexual Orientation. Amend RSA354-A:2, XIV to read as follows:

XIV. "Place of public accommodation" includes any inn, tavern or hotel, whether conducted for entertainment, the housing or lodging of transient guests, or for the benefit, use or accommodations of those seeking health, recreation or rest, any restaurant, eating house, public conveyance on land or water, bathhouse, barbershop, theater, golf course, sports arena, health care provider, and music or other public hall, store or other establishment which caters or offers its services or facilities or goods to the general public. "Public accommodation" shall not include any institution or club which is in its nature distinctly private ***nor any parade or festival unless it is sponsored or substantially funded by the state or a political subdivision, board, department or commission thereof.***

XIV-a. "Sexual orientation" means having or being perceived to have emotional or sexual attractions, affinities, or attachments to persons of the same or opposite sex. It shall in no case include advocating, attempting, or committing any act which would be a crime in this state, nor any sexual attraction, affinity or attachment to children by an adult.

Amend the bill by replacing all after section 13 with the following:

14 Religions Exemption. Amend RSA 354-A:18 to read as follows:

354-A:18 Exemption for Religious Organizations *and for Acts of Religious Conscience in Certain Cases.*

I. Nothing contained in this chapter shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

II. The marital status and sexual orientation provisions of this chapter shall not apply to an alleged violation by or at the direction of an employer or owner of housing accommodations when:

(a) Such employer or owner is one or more natural persons or estates of natural persons as proprietors, joint tenants, tenants in common, or general partners; and

(b) Such employer or owner or the holders of a majority interest thereof present to the commission any credible evidence that the act complained of was performed in accordance with a sincere religious conviction.

15 Adding Reference; Construction of Chapter Regarding Adoption or Marriage. Amend RSA 354-A:25 to read as follows:

354-A:25 Construction. No provision of this chapter shall be deemed to supersede any other provision of law for the protection of minors or for the regulation of the employment of minors *or relating to foster care or adoption, or to the capacity to enter into marriage. The marital status and sexual orientation provisions of this chapter shall in no way be construed to mean or imply that the state of New Hampshire sanctions or approves family break-down or condones promiscuity or infidelity, it being the policy of this state to encourage stable families as the basis of a strong society.* The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination because of age, sex, race, creed, color, *sexual orientation*, marital status, physical or mental disability or national origin; but, as to acts declared unlawful by this chapter the procedure provided in this chapter shall, while pending, be exclusive and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this chapter, such person may not subsequently resort to the procedure in this chapter, provided, however, that nothing in this section shall prevent any individual from applying for or receiving unemployment compensation while the procedure provided for in this chapter is pending or after the procedure provided in this chapter has been concluded. This section shall not prevent the commission for human rights from investigating and acting upon a complaint of discrimination when the complainant has also filed a claim for unemployment compensation in which the issue of illegal discrimination is raised.

16 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill prohibits discrimination based on sexual orientation in employment, public accommodations, and housing accommodations.

The bill does make exceptions for certain persons for certain actions performed with sincere religious conviction.

Minority report.

SENATOR PODLES: Mr. President and Senators, I rise in opposition to HB 1432. It is an unnecessary piece of legislation because it amends the state's existing legislation, prohibiting discrimination on the basis of political opinions, religious beliefs or affiliations, age, sex or race. It adds a new category of sexual orientation in employment, public and housing accommodations. This bill, if passed, would in effect, be dictating to the citizens of this state, acceptance of a particular lifestyle. This clearly serves to mandate the acceptance of behavior considered to be morally irresponsible by the majority of New Hampshire's citizens. Acceptance and tolerance cannot be mandated. I don't believe that we should impose this on all of our citizens. The average citizen would be punished for taking into account, a person's moral character in making some important personal decisions. These decisions might be taking on an associate in business, it could also be accepting a tenant in their house. It could also be choosing teacher for their child, and on and on. If this law passes, this would be the first route to have special protection, special privileges, and special recognition under the law based on behavioral lifestyle. I am not sure that would even be constitutional. It sets a precedent and opens the flood gates for any group that comes along. I can see the smokers coming in next year and telling us that they are being discriminated against. I can also see the pornographic book store owners, the adult book stores, also coming in. I would also add that the amendment that is being offered to this bill will confuse the issue even more. It exempts certain groups from having to comply with this law. And this could complicate other issues in the antidiscrimination laws, especially in the area of religious beliefs. Certain groups would find themselves against blacks, Moslems against women, Arabs will be able to discriminate against Jews, and on and on. I would also like to point out, that the Catholic Church has rejected the amendment being offered. The Church's position is that while we attempt to amend the bill, it is laudable; it is still contrary to its teaching and belief. Mr. President, we had a very good hearing. I think that it lasted about four hours, if not more. Instead of the sheets of paper that we usually have for people who wish to speak, sign, we used cards. I would like to tell you that there was just as much support as there was opposition. So it really is almost balanced. In addition to this, we also had a lot of petitions, hundreds and hundreds of petitions, opposing the bill. The minority recommends inexpedient to legislate.

Majority report.

SENATOR COHEN: Senator Podles said that this bill was unnecessary, but this bill is necessary. Why is this bill necessary? Some of you may have seen a report that appeared in a number of newspapers, the Concord Monitor, the Union Leader, a number of weeks ago. It described a situation in which two cocktail waitresses, who had been working successfully in a bar, doing their job well, were fired. They happened to be straight. These waitresses happened to be heterosexual. The bar became a gay bar. They were let go. They were fired. Not for any reason, but just because of their sexual orientation. That kind of discrimination is legal now. That is why we need this law. Why do we have any antidiscrimination laws in New Hampshire? If we take the phrase, "Live Free or Die," at all seriously, it means that we

should be judged as individuals. We should be looked at for the work that we do, if we can pay the rent, and if we can buy a product. We have to be judged as individuals. I don't think that is too much to ask. That we just be judged as individuals and not on any perceived sexual orientation. New Hampshire, in fact, has been a traditional haven against discrimination. People have come here, French people, Irish people, have come here to get away from discrimination in other areas. I think that that is a tradition that we should be proud of and a tradition that we should keep. Why do we need this bill? Because good people are being hurt. Good productive members of society are being hurt right now because there is no legal recourse. That is why the House passed a much more liberal version of this bill by a margin of almost two to one. Discrimination based on sexual orientation is now legal. It is legal to discriminate on housing, employment and public accommodations. Some of you may have seen the advertisement signed by 161 lawyers from New Hampshire. They say, "under present law, a person whether heterosexual or homosexual may be fired or denied housing, public accommodations by a business in New Hampshire on the basis of his or her perceived sexual orientation, without regard to individual merit, without any legal recourse." One of the main opponents of HB 1432 is Chuck Douglas, who has defended the right to discriminate. He believes that it is okay to discriminate based on sexual orientation. If you agree that it is okay to discriminate based on sexual orientation, then by all means, vote against HB 1432. But as it is right now, the Human Rights Commission is powerless. They can do nothing about this. They have had complaints about discrimination based on sexual orientation, and have had to turn people away. They haven't had any choice. If you call their phone number, they will list to you things that they can help you on. If you have been discriminated against, based on age, sex, marital status and a number of things. It doesn't say 'sexual orientation.' They have had to turn people away. Some have suggested, including the governor, the term 'sex' covers it. Well it doesn't cover it. That refers to if you are a man or a woman, that is all that it covers. You can't be discriminated against because you are a man, and you can't be discriminated against because you are a woman. It has nothing to do with sexual orientation. Senator Podles and others have referred to special rights. Well this is the same argument that was used 30 years ago, against the National Civil Rights Act, which was passed. People claimed that there would be special rights back then. But antidiscrimination laws are there to protect all of us, equally. One area of protection right now in New Hampshire is marital status. You can not be discriminated against based on your marital status. If you are single, married, or if you are divorced, if you are widowed, you have equal protection. Is that special rights? That is all that we are asking for. HB 1432 provides equal protection, no more and no less. I would like to quote a conservative columnist, someone who I rarely agree with, John Breene, Foster's Daily Democrat, "The proposed legislation is not about gay rights. It is about human rights. A measure passed by the House of Representatives by a surprisingly wide margin does not confer special status on homosexuals or people of any other sexual orientation." People have referred to the city of Portsmouth, rejecting antidiscrimination laws. But what they rejected, frankly, was poorly worded, a very difficult, municipal ordinance. The city of Portsmouth happens to be on record in support of HB 1432. I will read very briefly from the City of Portsmouth, "The state of New Hampshire law against discrimination provides legal protection from discrimination in employment, housing and public accommodations for all people regardless of age, sex, race, creed, color, martial status, physical or mental disability or national origin," and it skips down, "Therefore, be it resolved that the Portsmouth City Council supports pas-

sage of HB 1432, and encourages the legislature to swiftly enact the bill into law to prohibit discrimination based on sexual orientation along with the other descriptions." People have referred to a 'gay lifestyle.' Well this is nothing about lifestyles. How can you refer to a gay lifestyle any more than you can refer to a straight lifestyle? Is there one straight lifestyle? I don't think so. Single people are protected. Married people are protected, divorced people are protected. Is there one lifestyle for all of that? I don't think so. I can tell you from a personal example, my brother happens to be gay. He is a middle-aged man who lives a very sedate, stable, lifestyle. He has been in a relationship, a stable relationship for 20 years. That doesn't fit the picture that is brought out to you. That is what this is about, family values. I got a letter from a constituent, "I am a mother of a gay son and a lesbian daughter who both work in New Hampshire. My son also lives in New Hampshire. It upsets me greatly to know that my son and daughter who are gay, don't have the same basic rights that my heterosexual son, who also lives and works in New Hampshire, enjoys. I urge your support of this bill, so that all of my children are ensured of the same protection." Not special rights, protecting families. Our constituents elected us because they trust us, and they expect us to listen to our conscience. None of us are here for the money, that is not our reward. Our only reward is doing the right thing. Our constituents today, expect us to have the courage to do what we know is right. I happened to think that is a pretty good reward. Here is our chance. Let's pass HB 1432.

SENATOR HOLLINGWORTH: Senator Cohen, Senator Podles mentioned that you would have to take people into your house, that churches would have to hire certain people. She went through a whole litany. She also mentioned that the exemptions would weaken it and cause problems. I have testimony that was heard in front of the Judiciary Committee, that Senator Podles is Chairman of, and I want to know if this is accurate? It says, "my second point is that HB 1432 goes far to reach to the middle ground. It exempts the following among others from its scope." and this is also currently in law, "Employees of fewer than six people, not counting relatives or domestic help. (2). Employees of religious, fraternal, charitable, educational organizations," those are exempt. (3). Exempts owners of single family houses. (4). Exempts owners occupying apartments with less than four units or rooming houses with less than six units. And it exempts actions by religious organizations in providing employment and limited commercial housing." Then I have a whole list of what is in current law. This is from the statutes, and I think that this is a whole page of exemptions. Is it not true, that this is the first testimony that we heard?

SENATOR COHEN: This was the testimony that we heard.

SENATOR HOLLINGWORTH: And this is what is in the statutes? So what Senator Podles said, was inaccurate?

SENATOR COHEN: Absolutely.

SENATOR LOVEJOY: Mr. President and members of the Senate, I might comment on Senator Cohen's bringing to our attention the ad signed by 161 attorneys favoring this bill, and that is impressive, but I would point out to you that even more impressive, is the fact that 3,259 attorneys in New Hampshire did not sign the bill, did not sign the ad. I rise to speak against this bill and its many amendments. I will tell you that I would look cautiously at any bill that comes before us that required so many amendments as this, and so many explanations as to what the bill says, as to what the bill does not say, as to what the bill intends to do, and does not intend to do. It gives the impression, that to pass it any form is more important than

the bill's original intent. The bill is, in my judgement, flawed irreparably, because it argues against itself. While it claims to establish civil rights for a group of citizens, while it claims that discrimination exists, it then abandons those rights under certain conditions. It says that it will tolerate the claimed discrimination in certain cases. Now here are some examples of how, in my view, the bill's context conflicts with its supposed purpose. It exempts employers with fewer than six people. And we must ask why, if there is a true belief that this is a civil right, why would it make that exemption? It exempts a private sale or rental of any single family house, and we ask why, if there is a true belief that this is a civil right. It exempts rental of apartments in a building of three or fewer units, or room rentals in a building of five or more units, occupied by the owner or a member of his family. And again, we ask why, if there is a true belief that this is a civil right. And now the bill, with the latest amendment, exempts those with, "a sincere religious conviction." But then it doesn't go on to describe the standards for that sincere religious conviction or it doesn't, in fact, state who would stand in judgement of the question of the degree of sincerity. The bill constantly apologizes for itself through its numerous explanations. For example, the bill in its attempt to clarify itself, states that, "it does not imply, provoke or sanction such things as violations in the protection of minors, foster care or adoption." It says that, "it does not imply a sanction, a family breakdown or promiscuity or infidelity." It says that, "it shall not advocate attempting or committing any act which would be a crime in this state or nor any sexual intention toward children by an adult." Well my Lord, I can't help but wonder, why all of this explanation is necessary at all. There has been no bill introduced in this legislature this session or any other session, that has advocated any of those things. But this is the only bill that has carefully stated these omissions. I dare say that any attempt by any person to pass a bill that would do any of these things, would properly and promptly be laid to rest by this body. And I would also say that the careful disclaimers cause one to wonder why they are necessary at all. In its attempt to give a lifestyle, a behavior, the same status as a given race, nationality or religion, this bill is in my view, so poorly crafted, as to beg for its own defeat. If this bill is passed, we could very likely have opened the gates for many other groups who feel that they, too, should be given the same type of legislation. I urge you to vote no on HB 1432. Thank you.

SENATOR SHAHEEN: Senator Lovejoy, can you tell me how many attorneys signed an ad opposing the bill?

SENATOR LOVEJOY: Well I didn't see any such ad

SENATOR SHAHEEN: Thank you.

SENATOR LOVEJOY: I responded, Senator, if I could answer your question, Senator, that 161 signed it

SENATOR SHAHEEN: You just answered it, Senator.

SENATOR LOVEJOY: and 3,259 New Hampshire attorneys did not appear on that ad.

SENATOR SHAHEEN: I think that you answered my question when you said, that there was no attorney who signed an ad opposing the bill. Is that not so?

SENATOR HOLLINGWORTH: Senator Lovejoy, apparently you didn't hear what I questioned Senator Cohen about. I have in my hand the RSA's that are current in law, and you cited them, pretty much all of them. And this is now in the current law as far as exemptions for discrimination. Those in-

clude, and I read them before, "(1) Employers of fewer than six people, not including relatives and domestic help. Employees of religious fraternal charities or educational organizations, owners of one single family home, owners occupying apartments with less than four units, owners with less than six units, and actions of religious organizations, charitable organizations," all of those which you cited. The only one that is new, is the religious one that says, if you have a true religious conviction, that then you would be able to take an act for exemption. That was one . . . because we had a hearing that there were some people that seemed to have a true religious . . .

SENATOR LOVEJOY: Is this a question?

SENATOR HOLLINGWORTH: I was going to ask you, first off, do you know that these exemptions are current law?

SENATOR LOVEJOY: I certainly do, Senator. And to answer your question, yes, I did pay attention to what you said. And to explain to you, that I did not sit in the Senate when those exemptions were voted on. I sit in this Senate at the present time, when we are debating HB 1432 and making exemptions or proposing exemptions on this bill. And this is a bill that I will have to answer for, and that is why I used them for illustrations.

SENATOR HOLLINGWORTH: You also said, that with the new religious exemption, who would sit in judgement of those? I would like to ask you, are you aware that it is the same body, the Human Rights Commission, that would sit and determine whether those exemptions were founded now as they were and are in current law?

SENATOR LOVEJOY: May I answer that question to tell you that I certainly did not know that the Human Rights Commission would sit in judgement of a question of sincere religious belief. No, I did not know that.

SENATOR HOLLINGWORTH: I have a letter from Dartmouth College that is written by the College Counsel and Director of Internal Relations, and he states . . . because you brought up whether the question of whether it is law or not. It says, "It is now time for the state of New Hampshire to make clear to all, that one's sexual orientation, alone, should not and can not, be grounds for discrimination in cases of employment, housing and public accommodations. It is clear that there is no such protection presently existing under New Hampshire law." You said that you hadn't seen this as of yet. I would like to say to you, does that change your opinion about what you stated?

SENATOR LOVEJOY: Did your question deal with your reading of the letter, Senator, or does it deal with the ad that you showed me?

SENATOR HOLLINGWORTH: It deals with both.

SENATOR LOVEJOY: What is the question on the letter, Senator?

SENATOR HOLLINGWORTH: Do you believe that they are wrong and you are right that this is now covered under current law?

SENATOR LOVEJOY: I believe in the statement that I made to you, and I can make that again, and further elaborate on it. I certainly am not going to comment on a letter from, I am sure, their sincere beliefs. As far as the ad that you showed me, no, I hadn't seen that ad. I had heard about the 161 names and that had brought to mind a quick fact, that that is a very small percentage of lawyers and a very weak argument.

SENATOR PIGNATELLI: Senator Lovejoy, do you agree with the governor that this is covered under current law?

SENATOR LOVEJOY: I did not discuss this with the governor. I believe, that the bill is poorly crafted. I believe that it would be an error for this Senate to pass such a poorly crafted bill. One that makes exemptions to the claim that there are civil rights violations, and then go ahead and exempt those violations and say, 'after all, they are okay.'

SENATOR PIGNATELLI: So, you don't agree with the governor that it is covered under current law?

SENATOR LOVEJOY: My statement didn't allude to that at all, Senator.

SENATOR PIGNATELLI: Then do you agree with the governor that it is covered under current law?

SENATOR LOVEJOY: You are getting closer.

SENATOR PIGNATELLI: I am asking the same question?

SENATOR LOVEJOY: I believe that the attorney general made a statement yesterday. I believe that many of these things, yes, are covered under current law. I believe that perhaps there are some areas that are not. I didn't have a chance to hear the attorney general yesterday, or to read his statement and I want to do that.

SENATOR COHEN: Senator Lovejoy, I would like to just ask you one very simple, direct question. Do you think that it is okay to discriminate based on sexual orientation?

SENATOR LOVEJOY: No, sir. I do not believe that it is okay to discriminate. I think that there are a lot of groups that might be discriminated against. Perhaps if we are going to single out discrimination, then perhaps we should consider all of those groups who are discriminated against, and include those in the bill, if we are going to sincerely speak against discrimination.

SENATOR COHEN: It sounds like you are a supporter of HB 1432, then.

SENATOR LOVEJOY: I brought this along, Senator, in case I was asked that question. I think that this probably represents one of the greatest minorities in our country today. I wonder if we should include this lady who lost her job because she had a mustache, in our protection.

SENATOR COHEN: If you believe that someone should be discriminated against based on sexual orientation, it is my understanding, you should vote against HB 1432. But if you think that it is wrong to discriminate based on sexual orientation, I don't think that you have any other choice, but to support HB 1432.

SENATOR LOVEJOY: Senator, under any condition, I could not support a bill that I have viewed so poorly crafted as this bill before us.

SENATOR W. KING: I rise, not to speak to those people who made up their minds about this as soon as they saw the title of the bill. But to speak to those people who have had a lot of trouble making a decision about this issue. I would like to start by reading one paragraph from Shakespeare's "Merchant of Venice," and I ask you to take the reference to the religion that is in this paragraph, and turn it into your own religion. Let's not forget that it was only in this century that Catholics were allowed to run for public office in the state of New Hampshire. And it was only in this century that there were equal voting rights for black citizens in this country. This comes from the "Merchant of Venice" where Shylock speaks to Antonio. "I am a Jew. Hath not a Jew eyes. Hath not a Jew hands, organs, dimensions, senses, affections, passions fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled

by the same winter and summer as a Christian is? If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die?" This has been a terribly, terribly difficult issue for a number of Senators here. Because they have been caught between the moral imperatives of a quality that has been so deeply ingrained in us as American citizens, and the moral edicts of their churches or their religious beliefs. I know how hard that has been. But let me remind you, that there have been others that have stood in these Chambers before us, and have faced the very same difficulties. The very same questions, with just a little bit different twists. Let me just refer you to one of those people. Outside of this building, stands a statute of John Hale. And for my Democratic colleagues, I apologize that I have to demean the name of the Democratic party as I explain this situation to you. But I think that it is worth doing. John Hale, in 1845, shocked the state of New Hampshire with a defiant repudiation of slavery. For his actions, he was immediately, officially, read out of the Democratic party, even though he was United States Congressman. His third term nomination for Congressman was withdrawn by the Democratic party in the state of New Hampshire. He stood for what he believed was right. He must have gone through the same tribulations that you are going through right now, those of you who are having a tough time making this decision. He must have had the same kind of problem making a choice between the greatness of the equality that we cherish in America, and the edicts of his religious beliefs. But he made that decision, and today we honor him for that. I would suggest to you that the fact that there is a statue of John Hale in front of the State House in the state of New Hampshire and not a statue of the person who voted on the opposite side of him from that issue, should make all of the difference in the world to us in terms of remembering how our legacy will be remembered.

SENATOR COLANTUONO: I rise to speak very briefly about a very narrow portion of the amendment only. And that is the portion of the amendment that seeks to set out a so-called religious exemption. And it says that, "the marital status and sexual orientation provisions of this chapter shall not apply to an employer or an owner or the holders of a majority interest in a business or a place of accommodation." If they present to the Commission, any credible evidence that the act complained of was preformed in accordance with a, "sincere, religious conviction." Now first of all, this is not an exemption. If it were an exemption, it would say that they couldn't be prosecuted. This is more like what is known as an affirmative defense, where they still can be prosecuted. They are going to have to hire an attorney, they are going to have to spend a lot of money to defend the case, then at the final hearing, in front of the Commission or else, if the Commission allows some kind of a pretrial motion on the issue, the burden is going to be on the person to prove that he had, what the law calls a sincere religious conviction. Now, I don't think that I have ever seen anything more dangerous to the right of conscience and the right of exercising religion under the first amendment of our constitution, than the idea that citizens of New Hampshire or of the United States, have to go before a governmental body and justify their actions based upon whether they hold a sincere religious conviction or not. That is totally inappropriate, totally unconstitutional, and very dangerous. How in the world is the Commission going to determine whether one person had a sincere conviction and one person didn't? Are they going to inquire into the person's religious upbringing, how long they professed the religion, how many times that they go to church, how many religious books that they have in their house? I mean, this is ridiculous. That is the only issue that I wanted to speak about. I oppose this amendment for that reason. I will yield to any questions on that narrow issue that I spoke of.

SENATOR HOLLINGWORTH: Senator Colantuono, would you then support this bill if we removed that exemption from the law?

SENATOR COLANTUONO: No.

SENATOR HOLLINGWORTH: Senator Colantuono, you spoke about the fact that they would have to hire a lawyer, and then they would have to spend some money. Are you aware that all that they would have to do, and we heard this today from a Mr. Perry from the Human Rights Commission, he said that it is a confidential hearing, the first order, and that all that they have to do is to come and state their conditions, and the decision at that level is determined as to whether or not there is a violation. Then it would proceed before the Human Rights. There is no lawyer involved. It is a simple, confidential, hearing. Are you aware of that?

SENATOR COLANTUONO: Well, Senator, last year we passed very severe penalties under the Human Rights Law where you can, if you are a business person, you can essentially be put out of business by the amount of fines that they can levy on you. And any person who is charged with discrimination under this bill, who is going before the Human Rights Commission to defend themselves and to convince a tribunal that they had some sincere religious convictions. First of all, I think, that they would be very foolish if they didn't have legal assistance. And second of all, I think that it is outrageous to even require them to do that, under the first amendment.

SENATOR LAMIRANDE: This is difficult for me. Quite difficult. It seems that the church has been brought into this a couple of times. And those of you who know me, know that I am a Roman Catholic. I have been a Roman Catholic since I was born, and I will continue to be a Roman Catholic until the day that I die. I went to parochial school for six years. I have been brought up in belief of the Catholic Church teachings, and I abide by the Catholic Church. The Catholic Church has taught me to turn the other cheek, to not discriminate, and to basically try to understand issues. I don't see this piece of legislation as has been stated, as an acceptance of any particular lifestyle. I grew up in the 50's and the 60's. I grew up as an Irish Italian, in a predominately French neighborhood; I was called, probably in jest, a guinea, a wop and a mick, being Irish and Italian. Well I am particularly proud of my heritage, as I am particularly proud of my religion. Discrimination of any kind is illegal. I have presented legislation that addresses discrimination, and I stand by that, in that I don't condone discrimination in any form. Therefore, based on my religious upbringing, based on my religious teaching, and based on my religious belief, I am going to support, and hope that you will also, this bill.

SENATOR BALDIZAR: I would echo some of Senator Lamirande's comments; however, I attended Catholic schools for 12 years, and I believe that the teachings of the church were similar, mine and hers. I support everything that she said. And based on my Roman Catholicism in the teachings, I have been taught in the church to turn the other cheek and to treat people as we would like to be treated. I will be supporting HB 1432. I would like to add that when I ran for the Senate, I said that I would be a voice for the people of the state of New Hampshire, not for some of the people, but for all of the people. I think that the bill before us is a bill to provide equal rights to all people. I think that Raymond Perry, Commissioner of the Human Rights Commission has said that current law does not prohibit discrimination based on sexual orientation. The line that is in there refers to gender, that has already been stated. Because we have been elected to serve New Hampshire's people in the Senate, I think that we are honor bound to vote against prejudice and fear. The bill before us does not sanc-

tion a homosexual lifestyle. The state of New Hampshire supports traditional families and does not condone promiscuity, by homosexuals or by heterosexuals, in its citizens. The amended bill exempts landlords and employers who object to gay, sexual orientation based on their religious convictions. It also includes, in the amended version, an exemption for private clubs and parades and festivals that are not supported by state funds. The bill also exempts employers of fewer than six employees, private sale or rental of a single family home, and exempts apartment buildings with six or fewer units, we have all heard this. This bill is not about favoring or accepting any sexual orientation. It is about us, as elected officials, guaranteeing that no one in the state of New Hampshire is subject to discrimination in any form. I think that it is not too late for people in this room to change their minds. The arguments have been very clear, and in the end and in good conscience, I ask that each and every one of you, in the words of Reverend Jones, "that you vote with your heart," and I would add, that you vote with your intellect. And to support the last lines in the Pledge of Allegiance, which we start every session with, "Liberty and Justice for All." Vote against discrimination and for this bill. Thank you.

SENATOR BLAISDELL: Mr. President and members of the Senate, I realize how difficult this bill is to a lot of you. But really it is not difficult at all to me. For many years when I threw the ball up the middle between basketball teams that I refereed for, there was no discrimination there. When I umpired baseball games behind the plate or first, second or third, there was nothing there, and the same thing in football. I, too, am a Roman Catholic. I went eight years to parochial school; and you know, I wish that I could speak as well as Reverend Jones, as he spoke today, because I think that he did the best job of all. I have read that book, the good book that all of us talk about. I spoke to my wife, Peggy, last night about it, who is a converted Catholic for me. She said, "You know, Junie, there are things in that book that the good Lord has left to you and me to make a decision on. He can guide us, and he can talk to us about it, and he can try to guide us and let us make those decisions." And it should be up to our judgements, and it is up to our judgements. Organizations and churches can be wrong, Senator Podles. And today, I have to admit to you that my church is wrong, because the eight years that I spent in St. Joseph parochial school, I was taught by sister Delords and Sister Gerald and Sister Devita and Sister Rose. I can name them all. And I thank God for all of them because they certainly gave me some very good direction in my life. But they told me that we were all God's creatures, that we were made in his image. Sister Delords told us one day not to forget that God made us to know him, to love him, to serve him, and to be with him, in this world and in the next. And Senator Cohen said, that we should judge people as individuals. I stand before you as the Senator from the tenth district, saying that I will support the bill. The thing that disturbed me the most of all was the people that wrote me letters, kids that I have known, I am sure all of my life. They said, that they used to come into your store, Mr. Blaisdell, and buy your sporting things from there and things like that. And they said that they don't dare sign their names on it. We don't dare give you our addresses. And that is a tragedy in our state, if it is happening. I have listened to all of the technical things that you have talked about, whether or not there is discrimination in this state, but if this bill does anything at all to help that, help it at all, for God's sake, search your conscience and pass it. Because that shouldn't happen to any individual in our state.

SENATOR MCLANE: Forty years ago, I sat on the balcony of the House and listened to my first civil rights debate. It was about whether women

should be allowed to serve on juries. We were one of the last states. I look back on that debate; I think that is one of the reasons that I ran for state Senate. But what I think about now, is 40 years from now, we are going to look back on this Civil Rights debate, I hope with the same sort of, "how could we have ever been so prejudiced". In the House, this bill passed 226 to 131. There were 71 Catholics who voted in the affirmative. This bill to me is about families. It is about families that I know, and people that I love, who have kids that are homosexual. We should do for them what we have done for women, what we have done for blacks, and what we have done for the disabled. There were 17 to 20 people at the hearings, that told of actual incidents in New Hampshire, of discriminations, lost jobs, kicked out of houses, restaurants. The lawyers on one side have said that the law does not cover this. It is a funny combination. My daughter and Chuck Douglas believe that the law does not cover this. On the other side is the governor, who says that it is the law now. My question to him and the attorney general is, if you say that it is in the law now, what's wrong with writing it in again? The bill isn't as complicated as Senator Lovejoy says. He was reading and talking about our present Civil Rights Statute. All religious organizations, educational, non profits, the Boy Scouts, are all exempt from the Civil Rights Statute. The existing Civil Rights Law is very limited. It has a 180 day limitation and it all goes to the Human Rights Commission, not the courts. And the governor appoints the commission. It is a very severe change. And we tried very hard. We went down and met with Bradford Cook, the Monsignor Christian, for 2-1/2 hours. Some of the changes that you see in the amendments, we put in for them, after a very, very successful and hard working discussion. After listening to that awful hearing we have put in twice, we are not talking about kids. These are not pedophiles. That is twice in the amendment. We have the Fraser amendment, taking out any parade or festival. It didn't do us any good, but we tried. We have put in about religious conscience, and those would go to the Civil Rights Commission, sincere religious convictions. In the end, we put in a policy statement, that we in the Catholic Church agreed with, it being the policy of this state to encourage stable families as the basis for a strong society. Who can disagree with that? It might interest you that we have already passed this bill once. You have. It is RSA 151:21. And I will read it to you. It is called patients rights'. Number 16 is, "The patient shall not be denied appropriate care on the basis of race, religion, color, national origin, sex, age, disability, marital status, sexual preference or source of payment." We have already done it once. We have said, 'we are not going to discriminate against you if you die, but it is when you live that we are going to get you.' This is about jobs. It is about homes, and it is about food. Those three elements. I believe that we would be very, very, wrong if we did not pass it today. Thank you.

Recess.

Out of recess.

Question is on the majority committee amendment.

A roll call was requested by Senator Colantuono.

Seconded by Senator Wheeler.

The following Senators voted Yes: Lamirande, W. King, Currier, Blaisdell, Baldizar, Pignatelli, McLane, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, J. King, Russman, Bourque, Delahunty.

Yeas: 10 - Nays: 13

Committee amendment fails.

Senator W. King offered a floor amendment.

6106B

Floor Amendment to HB 1432

Amend the title of the bill by replacing it with the following:

AN ACT

declaring that discrimination based upon sexual orientation
is prohibited by the human rights statutes.

Amend the bill by replacing all after the enacting clause with the following:

1 Sexual Orientation Discrimination Prohibited. The general court hereby finds and declares that discrimination against a person based upon sexual orientation is discrimination prohibited by RSA 354-A under the provisions relating to sex discrimination, sexual harassment, or marital status, as the case may be.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill declares that discrimination based upon sexual orientation is prohibited by the human rights statutes, RSA 354-A.

SENATOR W. KING: I am rising to offer floor amendment 6106B which replaces the entire contents of the bill with really one section other than the effective date. The section in essence says, "that this body and this legislature recognizes that sexual orientation is covered by currently existing laws." This is the position that both the governor and the attorney general have taken over the last few days. Mr. President, I would ask that after I have an opportunity to present this, and anybody who would like to speak has an opportunity, that we take a brief recess so that a couple of people could go down and speak with the governor to find out whether he would change his position and allow you to change your position on this issue. This bill, this amendment, all that this amendment does is to say that very, very, simply, that current law covers discrimination on the basis on sexual orientation. I urge its passage.

SENATOR BARNES: Senator King, would you believe, that as much as I respect the governor, I don't think that anyone from this chamber has to go and see how he sees this before this Chamber makes a vote? He doesn't have a vote here in this Chamber. And I don't think that it necessary for anyone in this room to go and see how the governor feels.

SENATOR W. KING: Well, Senator Barnes, I understand that the Senate has always been a very independently minded body. I also know that the governor has actively been speaking with some of the members about this particular issue. All that I am suggesting is that if, indeed, it is as he has stated, that the current law does cover this, then this amendment does exactly that. It puts us on record as saying that current law covers discrimination based on sexual orientation.

SENATOR BARNES: Senator King, maybe it would be better to have that amendment go to a public hearing, so that all of those other folks out there in the state of New Hampshire would have some input on it, instead of the governor and the 24 of us sitting here?

Recess.

Out of recess.

SENATOR W. KING: My response, Senator Barnes, is that I think that that is a capital idea and would you support sending that back to committee?

SENATOR BARNES: No, I wouldn't.

SENATOR W. KING: Thank you, very much.

SENATOR COLANTUONO: Senator King, this bill takes out everything including the definition that was in the original bill, so how under this bill, is sexual orientation going to be defined?

SENATOR W. KING: Well the governor has said, and others have said, including some members of this Chamber, who just voted against the amendment, have said that discrimination based on sexual orientation was illegal under current law. For that reason, we didn't feel that it was necessary to complicate the bill. Senator Lovejoy, earlier, complained about how complex the bill was. This simplifies into one sentence, and says that it is covered under current law, and that we recognize that. So it isn't necessary to have a lot of complicating lawyer language in the bill.

SENATOR HOLLINGWORTH: Senator King, I have the letter from Jeff Howard here. It says, "I am pleased to provide you with this response. New Hampshire's law, RSA 354-A, prohibits discrimination on the basis of sex and a number of contents, including business activities, public accommodations and housing. I have stated that this statute applies to certain discrimination against homosexuals and as for that matter, heterosexuals." Is that not what we are basing this amendment on?

SENATOR W. KING: Absolutely. This amendment is based on the discussions both from the attorney general and the governor, that current law covers discrimination based on sexual orientation.

SENATOR CURRIER: Senator King, did I hear Senator Hollingworth say that the attorney general's opinion was based on certain discrimination? So not all discrimination, just little, certain discrimination? I am challenged on that part.

SENATOR W. KING: Senator Currier, I yield to Senator Hollingworth to answer that question.

SENATOR HOLLINGWORTH: Let me finish reading the letter to you then. "In this respect, I disagree with those who say that our Human Rights Statute cannot be used to protect the rights of homosexuals." He says that he believes that it can, and we are just making it clear that it does.

Question is on the floor amendment.

A roll call was requested by Senator Colantuono.

Seconded by Senator Wheeler.

The following Senators voted Yes: Lamirande, W. King, Currier, Blaisdell, Baldizar, Pignatelli, McLane, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, J. King, Russman, Bourque, Delahunty.

Yeas: 10 - Nays: 13

Floor amendment fails.

Recess.

Out of recess.

Senator Hollingworth moved to have **HB 1432**, an act amending the law against discrimination to prohibit discrimination on the basis of sexual orientation, laid on the table.

Question is on the motion to have HB 1432, laid on the table.

A roll call was requested by Senator Colantuono.

Seconded by Senator Wheeler.

The following Senators voted Yes: Lamirande, W. King, Currier, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Bourque, Delahunty.

Yeas: 11 - Nays: 12

Motion to have HB 1432 laid on the table fails.

SENATOR HOLLINGWORTH: We have heard a lot today, and it is obvious where you are going with this. I would simply ask you this; I know a lot of you have feelings on this issue, and what I had proposed was to have this sent to the Attorney General's Office to ask the question for clarification. Because many of you have said to me, "I do not believe in discrimination. I don't believe in discrimination against homosexuals. Certainly if I thought that it was happening, I would support legislation to prevent it from happening." Why I moved to table this piece of legislation is that I was hoping that we could send this letter to Mr. Howard to be more specific about what he was saying. Because I have done a little research, and we have some court cases that say, in fact, you can't use the section that "sex" is to cover anything more than male or female. And that, in fact, it does not cover homosexual or heterosexual. That was what my attempt was to do, because I believed you, when Leo told me that he couldn't support discrimination, and others among you, Rick Russman, and others of you that said that sincerely, you didn't believe, in any way, that you could support harassment or discrimination. So my attempt was to give you the opportunity to be sure that it was covered by the law. I would like to do something. I would just like, for one minute, for everyone to stop their minds if they can. Think of the word homosexual, and I know what you think? It is not a face, it is a person that you know and love and hold dear, or your niece or your nephew, or in some cases, even your sons and daughters, your granddaughters, your best friend's son. You are not talking about the word homosexual or the behavior of homosexuals. This is talking about should we discriminate against people. People who you love and care about and would defend to the death if you thought that someone was going to hurt them, and if you thought that someone would fire them. Or you would take away the very essentials that allow them to have dignity and to live. Sheila would fight to have a dog to have a roof over his head or a meal on the table or cats. And yet, we are to sit here and to say that we won't give the essentials to human beings among us, other citizens among us? That we would allow them to be discriminated on the fact that they are homosexual? It is not a reality of whether they really are or they are not. I was talking to Barry McMichael just before we came in here and she told me that right now, the abuse that is going on against men and women with a threat of being . . . where the husband says, "you either do what I say and you live in this house or I will accuse you of being a lesbian, and I will take the children away from you." It is blackmail. It is hatred. And it is going on, and you know it. I am asking you for one second, think how you are going

to feel when you look into those eyes of John and Rick and Donald and all of your children that are out there, and think of how you are going to feel. Because I know you. I know that it is going to hurt you to know that you have said that it is okay to discriminate, and that is what you are saying if you won't go just that extra mile to allow us, again, to put this on the table and to send this to our attorney general, and ask him, "does this mean that we can protect those people from their essential needs in life or does it not?" That is all that I am asking you to do. I know that you have sworn to each other that you will not take any amendments. That you will stick by each other. You will stay firm. But this isn't a vote on just any issue. It is a crucial issue to people, people you love. I am just heartsick, because I know that you will be heartsick. I know you people. I know that you care. If you walk out of this Chamber today, and when you look into the eyes of that child that you love, or that friend that you care about, you are going to be carrying a very heavy burden.

SENATOR BLAISDELL: I have a question of the Chair. First of all, Senator Hollingworth, you are a wonderful person and don't let anyone tell you that you're not. Senator Hough, Mr. President, this letter that is before us and should sign, the only way that this could go to the attorney general is for this body to vote it, am I right?

SENATOR HOUGH (In the Chair): You are correct, Senator Blaisdell, that an opinion of the attorney general would require a positive vote of this body. Senator Russman and Senator Colantuono, I have been advised that there is language in the statutes that requires that. A single member or the presiding officer cannot ask an opinion on behalf of the body, only the body can act.

SENATOR BLAISDELL: In its present form, Mr. President, it could be presented to the attorney general if this body so votes it?

SENATOR HOUGH (In the Chair): That is my understanding.

SENATOR MCLANE: Senator Hollingworth, you know that we passed a study of suicide, and I wondered if you did know that the American Psychological Association in its January, 1994 publication, has given a figure that 42 percent of gay adolescents have attempted suicide. And I wondered if perhaps that would add some input to the good speech that you gave, and the need of this body to recognize that we do have a problem here with discrimination?

SENATOR HOLLINGWORTH: You couldn't be more correct, Senator McLane. In fact, New Hampshire ranks the highest state in the nation with suicides, in teenagers.

SENATOR SHAHEEN: This is a follow up question of Senator Blaisdell's question of the Chair. We need to vote on whether we are willing to send this to the Attorney General, but would we also then, need to table the bill in order to wait for his response?

SENATOR HOUGH (In the Chair): The opinion or whatever it is that is sought, would require the body to keep in possession, the bill. The answer to your question, pure and simply is, it would have to be put on the table and then on receipt, the body can take the bill off the table and dispose of it.

SENATOR SHAHEEN: Will we need two separate motions in order to do this?

SENATOR HOUGH (In the Chair): Senator Shaheen, the Clerk has advised me, and I agree with her; the answer is this: the bill having been laid on the table, a resolution would then be proposed. The resolution would be adopted. The resolution would be to forward the question to the attorney general by the body. Is that it?

SENATOR SHAHEEN: So the appropriate motion right now, would be to table the bill if we wanted to send this letter to the attorney general?

SENATOR HOUGH (In the Chair): The question is on ordering to third reading. If you wish to take further action, then you would have to make a motion.

Senator McLane moved to have **HB 1432**, an act amending the law against discrimination to prohibit discrimination on the basis of sexual orientation, laid on the table.

Question is on the motion to have HB 1432, laid on the table.

A roll call was requested by Senator Podles.

Seconded by Senator Colantuono.

The following Senators voted Yes: Lamirande, W. King, Currier, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Bourque, Delahunty.

Yeas: 11 - Nays: 12

Motion to have HB 1432 laid on the table fails.

Question is on ordering to third reading.

A roll call was requested by Senator Colantuono.

Seconded by Senator Wheeler.

The following Senators voted Yes: Lamirande, W. King, Currier, Blaisdell, Baldizar, Pignatelli, McLane, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, J. King, Russman, Bourque, Delahunty.

Yeas: 10 - Nays: 13

Motion of ordering to third reading fails.

Question is on the minority report of inexpedient to legislate.

A roll call was requested by Senator Currier.

Seconded by Senator Lamirande.

The following Senators voted Yes: MacDonald, Fraser, Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, J. King, Russman, Bourque, Delahunty.

The following Senators voted No: Lamirande, W. King, Currier, Blaisdell, Baldizar, Pignatelli, McLane, Shaheen, Hollingworth, Cohen.

Yeas: 13 - Nays: 10

HB 1432 is inexpedient to legislate.

TAKEN OFF THE TABLE

Senator Currier moved to have **HB 1368**, an act establishing a commission to examine governmental reorganization.

Adopted.

HB 1368, an act establishing a commission to examine governmental reorganization.

Senator Currier offered a floor amendment.

6111B

Floor Amendment to HB 1368

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report the results of its study, including its findings and recommendations and proposed legislation, to the governor, the senate president, and the speaker of the house of representatives no later than November 15, 1995, for submission in the 1996 legislative session.

AMENDED ANALYSIS

This bill establishes a commission on governmental reorganization. The purpose of the commission is to identify opportunities for restructuring state government that will:

- (1) Promote efficiency.
- (2) Encourage cost savings.
- (3) Enhance accountability and control.
- (4) Improve coordination.
- (5) Reduce redundancy in state government.
- (6) Provide better government for the taxpayer's dollar.

The committee shall file its report, together with proposed legislation, no later than November 15, 1995.

SENATOR CURRIER: The amendment that was requested this morning regarding the commission to study the reorganization of state government is #6111B. It extends the deadline to November 15, 1995 and for the submission of the report to the next legislative session to 1996.

Floor amendment adopted.

Ordered to third reading.

5823B

Enrolled Bill Amendment to HB 267

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 Stalking; Reference Error Corrected. Amend the introductory paragraph of RSA 633:3-a, I(d)(5) to read as follows:

SENATOR CURRIER: This amendment corrects the amending language in section 1 of the bill. It amends section 1 of the bill by replacing lines 1 and 2 with the following: Stalking; Reference Error Corrected. Amend the introductory paragraph of RSA 633:3-a.

Senator Currier moved adoption

Adopted.

5841B

Enrolled Bill Amendment to HB 1206

Amend section 1 of the bill by replacing lines 2 and 3 with the following: RSA 669 by inserting after section 17-a the following new section:

669:17-b Discontinuing Optional Elected Office. When a town votes to

SENATOR CURRIER: This enrolled bill amendment rennumbers an RSA section. Amend section 1 of the bill by replacing lines 2 and 3 with the following: RSA 669 by inserting after section 17-a the following new section: 669:17-b Discontinuing Optional Elected Office.

Senator Currier moved adoption

Adopted.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that we recess for enrolled bills reports; and that when we adjourn, we adjourn until Tuesday, April 26, 1994 at 1:00 p.m.

Adopted.

MOTION OF RECONSIDERATION

Senator Barnes having voted on the prevailing side moved reconsideration on **HB 1432**, an act amending the law against discrimination to prohibit discrimination on the basis of sexual orientation, whereby we voted inexpedient to legislate.

SENATOR W. KING: TAPE INAUDIBLE that are brought to the Human Rights Commission and brought to the attorney general's office. I wanted to get that on the record, because we all know what the outcome of this vote is.

SENATOR WHEELER: I would like to urge my colleagues to vote to reconsider HB 1432 and vote no.

SENATOR MCLANE: Mr. President, the fact that Senator Blaisdell has gone off to a different wake than this one, does that mean that this vote will be taken without a full complement of Senators here?

SENATOR BARNES: Out of respect for Senator Blaisdell, who is not here, I would certainly hope that we do not ask for a roll call on this and that it is strictly on a voice vote. I would appreciate that and that is all that I can say on that.

Motion to reconsider fails.

ANNOUNCEMENTS

LATE SESSION

Third Reading and Final Passage

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

HB 599-FN-LOCAL, an act establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment.

HB 628-FN, an act requiring the department of safety to keep drivers' records confidential except for certain reasons.

HB 635-FN, an act relative to social security cost-of-living increases to residents of residential care facilities and community residences and establishing a committee to study the rate structure of residential care facilities.

HB 686, an act relative to legislative review of proposed administrative rules.

HB 1101, an act relative to the collection of protested checks by the department of safety.

HB 1108, an act relative to the appointment of members to the northeast interstate dairy compact commission and relative to the certification of milk laboratories.

HB 1110, an act relative to the license waiver period for speech and language pathologists, and repealing the sunset review of the administrative attachment of the board of marital mediators.

HB 1113, an act relative to claims filed under RSA 541-B against both the state and an agent of the state.

HB 1115, an act relative to violations of RSA 205-A.

HB 1121, an act repealing the standardbred breeders and owners development agency.

HB 1208, an act creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters.

HB 1226, an act relative to filling vacancies on the county executive committee.

HB 1244, an act repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act and repealing certain provisions regarding witness testimony and admissibility of evidence.

HB 1256, an act allowing probate judges to accept other forms of securities in lieu of bonds from administrators of estates.

HB 1270-FN-LOCAL, an act establishing a committee to integrate any changes in the municipal budget act into the school district laws.

HB 1283, an act relative to transporting loads on highways and establishing fines.

HB 1288, an act establishing a state advisory and oversight committee on the education of children with disabilities and in accordance with federal requirements.

HB 1313-FN, an act requiring the department of safety to issue an automotive recycling dealer with as many sets of number plates or as many as such person may require.

HB 1321-FN, an act relative to liquor licenses for full service restaurants.

HB 1339, an act relative to bank boards of directors or trustees.

HB 1368, an act establishing a commission to examine governmental reorganization.

HB 1405, an act relative to voting and party membership.

HB 1415-LOCAL, an act relative to approval of the goals and future conditions section of the master plan by the local legislative body.

HB 1436, an act exempting vessels in the federal channel from reduced speed requirements.

HB 1450-LOCAL, an act permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills.

HB 1453, an act allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments.

HB 1466, an act including advanced registered nurse practitioners in insurance policies for certain conditions.

HB 1468, an act allowing builders to use native lumber when the lumber is certified or stamped by a New Hampshire wood processing mill.

HB 1493-FN-A, an act relative to tax refunds from the department of revenue administration.

HB 1498-FN-LOCAL, an act relative to the type of voting machines which may be used in municipalities.

HB 1524-FN, an act relative to the executive reorganization of the department of education.

HB 1573, an act relative to the confidentiality of proceedings for guardianship of a minor.

HB 1574, an act extending the reporting deadline for certain study committees.

HB 1578, an act relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee.

HB 1581, an act establishing a committee to study the University of New Hampshire cooperative extension, and changing the name of the extension service to "University of New Hampshire cooperative extension."

HB 1585-FN, an act consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds.

HJR 20, an act urging the Federal Highway Administration to include certain segments of U.S. Route 2 in the new "National Highway System."

HJR 21, an act urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States.

HCR 30, an resolution urging the state board of education to encourage local school districts to foster curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Tuesday, April 26, at 1:00 p.m.

Adopted.

Recess.

Out of Recess.

LATE SESSION

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to Tuesday, April 26, 1994 at 1:00 p.m.

Adopted.

Adjournment.

April 26, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by Marthe Dyner, Senate Guest Chaplain.

Let us hear the words of Francis of Assisi who found so very much for which to be grateful and so very much for which to be careful. Oh most high almighty good Lord God, to thee belong praise, glory, honor and all blessings, praise thee my Lord God, with all of his creatures and especially our brother, the sun, who brings us the day and who brings us the light. Fair is he and chimes with the great splendor oh Lord. He signifies to us thee. Praise be my Lord for my sister, the moon and for the stars for which he has set clear

and lovely in the heaven. Praise be my Lord for our sister water, who is very serviceable unto us and humble and precious and clean. Praise be my Lord for our brother fire, through whom thou has given us light in the darkness and he is bright and pleasant and very mighty and strong. Praise be my Lord, for our mother, the earth which does sustain us and keep us and bring us forth diverse fruit and flowers of many colors. Praise be my Lord, for all those who pardon one another for his love sake. And who endure weakness and tribulation. Blessed are they who peaceably shall endure for thou, oh most highest shall, give them a crown. Praise be my Lord, for our sister the death of the body. Blessed are they who are found walking by thy most holy will. Praise thee and bless thee the Lord, and give thanks unto him and serve him with great ability. Amen

Senator Lovejoy led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1124, extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county.

HB 1164, requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody.

HB 1176, requiring a writ of habeas corpus to be filed in the superior court of the country in which the person is incarcerated.

HB 1345, relative to payments to the state treasurer.

HB 1438, adopting the striped bass as the state saltwater game fish.

HB 1582, relative to state house health services.

SB 528, relative to central business service districts.

SB 565, relative to state contracts.

SB 586, relative to licensing of cats and cat identification.

SB 602, relative to defaults on payments of motor vehicle fines or court appearances.

SB 620, standardizing the form used for abatement applications to municipalities.

SB 707, lowering the age of eligibility for a nondriver's picture identification card.

SB 807, allowing the establishment of the Capital Wellness Center, Inc.

HB 1114, relative to child support enforcement orders.

HB 1189, relative to emissions testing and establishing a committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act.

HB 1252, allowing mail claims in certain instances in filing for unemployment compensation, relative to disqualification for benefits due to self-employment, and relative to eligibility requirements for benefits.

HB 1367, creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation.

HB 1369, requesting the judicial council to study issues regarding faxed documents.

HB 1411, enabling municipalities and counties to establish geographic information systems and charge fees for their use.

HJR 22, urging the Congress to pass the Federal Mandates Relief Act of 1993.

SB 537, relative to bonds issued by certain chartered towns.

SB 559, relative to international adoptions.

SB 578, relative to the collection of property taxes in certain municipalities.

SB 801, increasing the department of transportation's authority to obtain certain bonds from a 5-year bonds to 10-year bonds.

SJR 1, proclaiming 1993-1994 as university of New Hampshire year.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 106, removing the requirement that the state vaccinate bovines against brucellosis.

HB 127, relative to private lease of state railroad real estate.

HB 1474, allowing towns to maintain emergency lanes on class VI highways and private ways.

SB 535, relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans and providing for indemnification of board members, officers, and employees of the higher education and health facilities authority.

SB 563, exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals.

Senator Currier moved adoption.

Adopted.

NOTICE OF RECONSIDERATION

Senator Colantuono served notice of reconsideration on **HB 1368**, an act establishing a commission to examine governmental reorganization.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 599-FN, establishing a board of ophthalmic dispensing, and relative to the board's fees.

SB 668-FN-LOCAL, abolishing the New Hampshire retirement system special reserve account.

SB 745-FN, relative to the maintenance of vegetation obstructing advertising devices.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Senate Bill sent down from the Senate:

SB 779-FN, revising the composition of the health services planning and review board and requiring the development of a state health plan.

HOUSE MESSAGE

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

HB 1588-FN-LOCAL, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum.

HB 1586-FN-LOCAL, regarding victim and law enforcement access to certain confidential information regarding a juvenile offender.

INTRODUCTION OF HOUSE BILLS**First and Secoxnd Reading and Referral**

Senator Delahunty **RESOLVED**, that in accordance with the list in the possession of the Clerk, House bills numbered 1586 & 1588 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

HB 1586, regarding victim and law enforcement access to certain confidential information regarding a juvenile offender. Judiciary Committee.

HB 1588, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum. Economic Development Committee.

Adopted.

COMMITTEE REPORTS

HB 1476-LOCAL, an act relative to certain definitions under the environmental laws, municipal liability and the tax sale and lien process, and the liability of owners of hazardous waste facilities. Environment Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1233, an act making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments and making a plan administrator liable for failing to meet certain employee notification requirements. Executive Departments and Administration Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

Recess.

Senator Blaisdell in the Chair.

HB 1319-FN-A-LOCAL, an act requiring the state to fully fund the Augenblick formula by FY 1996. Finance Committee. Ought to pass. Senator Hough for the committee.

SENATOR HOUGH: It is a pleasure that I rise in support of the committee report of ought to pass. The issues raised by HB 1319 are not new. They did not suddenly arise on New Year's Day in the wake of the Supreme Court's decision. These issues are as old as New Hampshire itself. On New Year's Eve, the Supreme Court simply reminded us of an obligation which we have always borne but forever denied and never fulfilled—the obligation to provide equal educational opportunities for all the children of New Hampshire. When I stood with the children against the state before the Supreme Court, I told the justices that for more than 200 years the legislature had lacked the political will to fulfill its constitutional obligation. My brief demonstrated the failure of successive legislators to meet their obligation. Ten years ago, a similar suit was abandoned because the legislature indicated its willingness to address the inequities of school funding by adopting the Augenblick Formula. But, then, as always, we refused to fully fund the new formula. In 1991, the property-poor school districts again filed suit. The Superior Court dismissed the suit on the grounds that the constitution imposed no obligation on the state to educate its children. The Supreme Court overruled this decision. The Supreme Court affirmed that the constitution imposed a duty on the state to provide all children with an adequate education and to guarantee adequate funding for public schools. The Supreme Court remanded the case to the Superior Court where it will be heard on its merits. But, the Supreme Court also reminded the governor and the legislature of their responsibilities to define an adequate education and provide sufficient funding. The House responded to the court's ruling. In fact, the House considered several proposals, including a statewide property tax, to fund public education. Despite the opposition of Governor Merrill and the House leadership, one proposal succeeded—HB 1319. The bill would appropriate \$60 million in fiscal year 1996, \$67.5 million in fiscal year 1997 and \$75.5 million in fiscal year 1998 to fully fund the Augenblick formula. These appropriations, along with the projected revenue from the Sweepstakes supplemented by the General Fund, will fully fund the Augenblick Formula. The bill does not specify the source of funds for this appropriation. Instead, the bill anticipates this appropriation, like every other appropriation, will be funded in the course of the biennial budget process. HB 1319 represents a minimal approach to this issue. It is the very least we can do. It does not expand the state's obligation. It does not weaken the state's position in litigation. (If anything it probably strengthens it). It merely fulfills a promise we made to school children and taxpayers ten years ago when we adopted HB 4. By passing HB 1319 we are telling the court that although we may not be doing everything we should be doing, we are doing everything we promised we'd do. The Augenblick Formula may be flawed. After all, it's been ten years and things change. But, I find it revealing that until recently those who now find fault with the formula never showed the slightest interest in it, least of all whether it was adequately funded. In fact, the major flaw in the formula is insufficient funding. Each year more and more cities and towns receive nothing. In fiscal 1993, 71 communities went without; in fiscal 1994, 82 communities went without; and in fiscal 1995, 142 communities, more than half of all communities, will go without. Foundation aid is another way of saying "property tax relief." By refusing to fully fund the formula, we simply increase the burden of property taxes for more and more taxpayers every year. And the frustration and anger at ever rising property taxes increasingly threatens the future of our children and the fabric of our society. For years we've heard that the system of property taxation and local control keeps taxing and spending by government in check. Let's look at the facts. According to the Business and Industry Association of New Hamp-

shire, spending by state—not local—state government has been declining as a percentage of personal income. And taxes levied by state government have been declining as a percentage of personal income. In other words, state government is taking less and spending less of our money than it did a decade ago. But, just the opposite is happening in cities and towns across New Hampshire. As a percentage of personal income, property taxes have increased more than 25 percent in the last ten years. And spending by local government has risen faster in New Hampshire than anywhere else in New England. Between 1985 and 1991, property taxes in New Hampshire jumped 95 percent, faster than in any other state and twice as fast as the average of all states. Far from keeping taxes and spending in check, our obsolete fiscal system simply heaps more and more of the responsibilities of government on property taxpayers in our cities and towns. The more our taxpayers are promised “No New Taxes,” the more property taxes they pay. As long as we resist fundamental reform of our tax system, the relentless pressures of property taxation—along with the frustration and anger they breed—will only increase. Property taxes raise between 6 and 7 dollars of every 10 dollars collected by state and local government in New Hampshire. And property taxes raise 93 cents of every dollar spent on public education. And don’t think economic growth will relieve pressure on property taxes. Just the opposite. The faster our economy and population grow, the faster our property taxes will rise. More people mean more children and more children mean more schools and more schools mean more money. Although growth may cushion the blow in a few places blessed by commercial development, homeowners will shoulder the burden in most cities and towns just as they have always done. Property taxation is perhaps the most inequitable form of taxation. Our constitution requires that all taxes be “proportional and reasonable.” But, property taxes are neither proportional nor reasonable. Take, for example, two families. They live in neighboring towns. They own homes of equivalent value. They send their children to the regional high schools. The first family, the Joneses, earn \$120,000 a year. They pay \$686 in property taxes on their \$100,000 home. The second family, the Smiths, earn \$60,000 a year. They pay \$2333 in property taxes on their \$100,000 home. The Smiths earn half as much as the Joneses, but they pay more than three times as much in property taxes even though their houses are worth exactly the same and their children attend the same school. Is this “proportional and reasonable?” Time may heal all wounds. But, time only deepens and sharpens the inequities of property taxation—the system is nothing more than a vicious spiral which ensures that the rich get richer and the poor get poorer. First, low property tax rates and high property values are mutually reinforcing: low tax rates boost property values which expands the tax base and reduces the tax rate. Second, low tax rates enable property-rich communities to invest in superior schools. For example, think of the impact on property taxes if each school district purchased every student a textbook costing \$10. On average, the purchase of the textbook would increase the taxes on a \$100,000 home by \$2.55. But, in the wealthiest towns, taxes would increase less than 50 cents while in the poorest towns they would increase by more than \$5, \$6 or even \$7. In other words, the same textbook would cost taxpayers of poor towns more than 40 times what it would taxpayers of rich towns. Every single line-item in the school district budget costs the taxpayers of poor towns many times more than it costs the taxpayers of rich towns. Taxpayers in rich towns are willing to make the investments required to sustain superior schools because the impact of these expenditures on their property taxes is slight. But, taxpayers in poor towns, who are saddled with disproportionately high tax rates, increasingly resist investments in their schools. Finally, superior schools

increase property values which, by expanding the tax base, reduces tax rates. Just the reverse happens in poor towns. High tax rates depress property values and raise tax rates. High tax rates increase the costs of investing in schools. And inferior schools further depress property values. Property taxes are as divisive as they are regressive. Frustration and anger about property taxes are sowing dissension and strife throughout New Hampshire: at one town meeting after another, the tax issue pits generation against generation, young against old, neighbor against neighbor, parents against teachers, homeowners against renters and town against town. We should be discussing how to improve the performance of public schools, expand the range of educational opportunities and raise the standards of academic achievement. But, we can't even begin because we are obsessed by the tax issue. We can't talk about the quality of education because we are consumed—consumed not by the cost of education, but by the dire consequences of a flawed mechanism for financing our schools system. Governor Merrill calls property taxation the “New Hampshire Advantage.” Where is the advantage in a tax system which taxes the poor three times more heavily than the rich? Taxes homes of the same value at very different rates? Charges some parents several times more than others to educate their children? Often in the very same classroom and very same school? Makes textbooks more than 40 times more expensive in some towns than in others? Pits generation against generation, neighbor against neighbor, parents against teachers and town against town? You tell me, where is the advantage? Where is the equity? Where is the justice? Where is the reason? And where is the future? There is no advantage. No equity. No justice. No reason. And no future. There is only a cruel relic of a distant past—a perverse tax system which belongs in a museum of fiscal archaeology. HB 1319 will not overcome the fatal flaws of our tax system. We could increase this appropriation three times and still it would not be enough. Our tax system is not flawed simply because it fails to raise sufficient revenue. It is flawed because it raises revenue in an inequitable manner. It places onerous burdens on those least able to bear them and grants generous benefits to those least in need of them. But, until we find the wisdom and courage to do what is right, we must do what we can. HB 1319 will ease the burdens we inflict on children and taxpayers. We have a long way to go. But, we will never get there unless we take the first step. HB 1319 is the first step. I urge my colleagues in the Senate to join me in taking this first step out of the last century and into the next.

SENATOR BARNES: Senator Hough, has the Augenblick Formula in the ten years' history, ever been fully funded?

SENATOR HOUGH: The Augenblick Formula since 1984 has been funded at no more than 50 percent in the last ten years.

SENATOR BARNES: Thank you.

SENATOR DISNARD: I have spent in excess of 45 years in New Hampshire, in the field of education, both at the local level and in this Senate. Thus, I feel qualified as anyone in the room and maybe more, to be aware of the economic problems and many of the problems facing our school districts, which are not due to local suggestions, but due to mandates by this, the New Hampshire legislature and congress. I am appalled. Why am I leaving this Senate? I am leaving the Senate for one of these reasons. After this bill was passed overwhelmingly in the House, the leadership in the corner office, the leadership in the House, held a caucus of the majority party and reported in the newspaper and on local television; leaders saying that their job as Republicans in the House is to reelect a governor. Well

I am not here, and I like the Governor, he supports my district, more than you people realize. But I am here as the Chairman of the Senate Education committee to help education. When things like this, when games like this are being played, when I read in the paper, and I heard yesterday, and by the way, the Concord Monitor, today's issue, quoting a leader and the administration, when a question was asked as to how could people pay their taxes? Do you believe this way? Are you going to vote against this bill because of this statement? I am quoting, "if people live in a house too expensive for them to pay the taxes, they don't have to live in that house. They can live in a house that is a little bit less." I am assuming that they meant expenses. I know people who live in a house that was inherited on Lake Sunapee. I knew people who purchased a home and a built a home many years ago, right after the war. Is it their fault that their homes have increased. I was talking to a lady in my office today, 20 years ago her taxes were \$320, today that lady's taxes exceed \$2400, is that her fault? Should she have to move from the family home, according to what is suggested at yesterday's hearing? I think not. I'm certainly aware that minds will not be changed by any presentations today. But let me assure all of you, and I repeat, let me assure all of you, that the day of accountability is not too far in the future. You know it and I know it. Please vote for HB 1319, so that the school districts in your areas stand to gain substantial amounts of funds. You have in front of you, everyone, in your areas, in your districts, what the total amount of each district, and the total amount of each school district has. I assume that you're aware, 1), district one over \$2.6 million. 2), district two, \$2.3, I could go on and on. Look at district four, \$2.5, look at district seven in excess of \$2.7, look at district ten, \$2.10. Look at district 15, \$2.5, district 14, over \$3 million, district 12, district 16, \$5,747,000 new dollars if this is approved. I think that you have to look at those things and how are you people who told, and I was one of them, who told the voters when you were elected, that I would do my utmost to lower the property taxes. I had a man ask me yesterday, and last night on the phone, another man. So two members in my district, on the phone, spoke to me last night. One called me George and the other called me Senator. Perhaps I liked the second fellow better. This is what they are essentially saying, they have heard on the radio some questions, some people were asking yesterday at the hearing, where the money would come from to pay for the foundation? Do you know that the question that they asked me was and how many are asking you? Where am I going to get the money to pay my taxes. They had the same answer. I believe, and yesterday I was asked, where is the money coming from? All the money is coming from the next go around, priorities, different monies. I am not using any state money for the health program. What is going to happen to it five years from now, when that money is not available. We are operating the state government, as you know, \$300 and \$400 million. It is not state money. Nobody is talking about the concerns there. I wish to answer a question by some people who asked where is the money coming from? Where is the money coming from to support SB 789 that we passed this year? The bill creates 27 new positions to add in the collection of outstanding child supports. No concerns of the entire Senate, a majority of the Senate and that is money for this year and we are talking about money for two, three, four years down the road, in this bill. Did anyone ask a question except one or two? SB 545, where was the money coming from to raise the salary of the executive director of the Pharmacy Board? These are just a few. Did anyone ask about SB 625 or the \$900,000 for the In-Home Care Pilot Program, in home, where it comes from? Did any of you, the majority voted, consider, how about the

Alzheimer's Disease bill, \$75,000? You people passed it. I say you, I am one, we, excuse me. SB 702 provides \$225,000 for funding congregate housing. How about SB 772, that involves involuntary commitment, that is \$100,000 per year? I didn't hear anyone ask if their pet bills, where this money was coming from. I hear a bill that is now partisan, all of these things that are being asked. How many millions of dollars are we being asked to bond for Pease, a good program, we'll vote for it? I am just calling your attention, I know that I am not changing many minds. God help you people, when you run for reelection. Thank you.

SENATOR COLANTUONO: Senator Disnard, aside from referring to those bills that you referred to, that we already passed, because none of them reach the level of \$60 or \$70 million, what do you propose to cut or what new revenue sources do you propose to put in place or would you suggest the Senate put in place next year to come up with this money?

SENATOR DISNARD: I am glad that you asked that question. My first answer is, what you're saying is that the millions of dollars that we just passed is not of a concern to you. Then you're asking me a question which I have tried to get this Senate to handle for four years. This is the responsibility of the House and the Senate, the legislature of the next time around. Someone is going to have to make some hard decisions. I assume that someone is going to have to make some hard decisions on the Medicaid money to fund the health program. I don't think that I have heard many Senators from your side, where is that money going to come from in five years. The same place, I suppose. I hope that the business improves. I hope that his Senate and the House, at that time, will forget legislating by crisis and start planning now. We could all get together, the public and everyone. I am just saying that we made promises. I assume that you are aware that the good Governor, John Sununu, signed a settlement documentation of documents ten years ago, and the state made a promise to fund the Augenblick Formula. Doesn't that concern you, Senator?

SENATOR COLANTUONO: Not hearing a specific answer, I guess that I want to follow up my question by asking, whether or not it is true, that since this legislation doesn't go into effect until the next biennium, isn't it true that the legislature at that point, could totally ignore this legislation when it sets its budget and go back to the old language and fund any amount it wants and really do anything that it wants?

SENATOR DISNARD: Two years down the road, they can do anything that they want. But, I still say, thank you for reminding me, and I am going to be redundant. The people here at that time will have promised their voters, 'vote for me and I will lower your taxes' and the same thing is going to happen that is happening now.

SENATOR COLANTUONO: Considering that the Representative who sponsored this is a member of your district, did you ask him why he did not specify any new tax or any cuts in existing programs when he put this bill forward? Do you have any idea?

SENATOR DISNARD: Sir, that is your responsibility, not mine. I supported it, supported him, because I think that when you make a promise, that you have to live up to that promise.

SENATOR COLANTUONO: I have heard the term in this bill, "fully fund the Augenblick Formula." I want to make sure that I at least understand what that means, because I am not sure that I do. Could you explain to me, what the term, "fully fund the Augenblick Formula," means?

SENATOR DISNARD: Fully fund is a political term. Fully fund is a term politicians have used. When the bill was established, it was indicated at that time, I think that it was eight percent, but I think it was \$47 or \$50 million to fund it, and the eight percent, it was never funded. So fully funded is a term that has been picked up to meet the eight percent. Yesterday, I learned something, which I didn't know, so I would like to pass it on. It appeared that Doctor Goodman, and I was one of those who selected Doctor John Augenblick, that is the President of the Superintendents Association when he first came here. Evidently, when they were working with the governor, Governor Sununu at that time, with a realistic fund. At that time, I learned yesterday, from Doctor Goodman, who was closer to this than anyone else, eight percent was the amount of money that being utilized to support education in the state and they felt that that was a good figure to use.

SENATOR COLANTUONO: To follow up on that, if the goal of the Augenblick Formula is to make sure that the state funds eight percent of the local public education, and I believe that my figures are correct, because I think that I am looking at a chart that Senator McLane has and she used it. Right now we are spending about \$1.1 billion on education, and we are, the state is contributing about \$100 million, when you include the state share, the Foundation Aid, the Catastrophic Aid and everything else. When you look at all of the state money going to the localities, we are spending well over eight percent now, isn't that true?

SENATOR DISNARD: Thank you for asking that question, so that I can answer it. I appreciate that. I am assuming, that you're including in there, \$47 million that the administration claims is tax money to support the Augenblick Formula, \$37 million dollars of that is from some of these sweepstakes tickets. So we say that the state, in many instances, and it is not the state tax money. To answer your question in another way, is that when the House was chastised after they voted for this bill, they were to vote on the redistribution of the state wide property tax, not a new tax, not an additional tax, a tax that is already in effect. The redistribution of that tax, would have redistributed \$640 million to 77 percent of the people who live in those communities in this state. That is half of the 1.2 billion for elementary and secondary education in this state. No additional costs, but because of that, because of the chastisement, not to consider the welfare of the people, but to consider the welfare of those that are going to be elected, the vote was turned down. What does that tell you, Senator?

SENATOR COLANTUONO: You said that the term, "fully fund", was a political term, and I am more concerned about it as a statutory legal term here in this bill, because it is in this bill on line eight and nine. If we pass this bill, what would it mean to require this legislature to fully fund state education, state aid to education under RSA 198, what would that require the state to do, can you tell us specifically?

SENATOR DISNARD: A little over a \$100 million for the Augenblick Formula.

SENATOR COLANTUONO: How do you arrive at that figure?

SENATOR DISNARD: How did I arrive at that figure? By those committee members who worked on it, arrived at that. I think that you had the information. I think that you could take all of these communities and add up where they would fit under the Augenblick Formula and defeat the eight percent of the Augenblick Formula, it was approved by the Governor Sununu, guess where the little over \$100 million came from that was needed to fund it? That was based on the formula.

SENATOR COLANTUONO: Wasn't the Augenblick Formula designed to give the average school district in the state, eight percent for education, not every single school?

SENATOR DISNARD: No, sir. The augenblick Formula was formed on evaluation of property, the number of people, the income of the community, the number of handicapped students that they have. The term that was used at the time, was the property-wealthy communities, would help the property poor communities. So, sir, the Augenblick Formula was not established for the average, it was established to help the property-poor communities that the amount of money that was coming available. Then as the money increased, then that would include more communities, that receive nothing or small amounts, plus increase the amount of dollars that the poor communities already had received.

SENATOR COLANTUONO: Would you believe that Augenblick's report says, in his simulation of his calculation, that eight percent of the average district's educational program costs, not their total cost, but just their instruction costs, are provided through state aid. Districts with lower fiscal capacity will have more than eight percent and districts with higher fiscal capacity will have less than eight percent of their costs covered. That is exactly what we are doing right now?

SENATOR DISNARD: I don't agree that that is what we are exactly doing right now. We are helping the poorer communities more than the wealthy communities. I can prove that. If you look at Waterville Valley, one of the wealthiest communities in the state, you would notice that Waterville Valley has received nothing for many years and one of the poorest communities has received the largest.

SENATOR COLANTUONO: Thank you very much, Senator.

SENATOR W. KING: I rise in support of HB 1319. This bill is about keeping a promise that we made ten years ago. Ten years ago, John Sununu and as some of you will remember, Representative Betty Jo Taft who is my neighbor and others, worked very hard because this state was facing a lawsuit very similar to the lawsuit that we are facing today. They worked hard and they worked with the plaintiffs, and they came up with a resolution that resulted in the Augenblick Formula. At that same time, Steve Merrill was legal counsel to John Sununu, later to the attorney general, and he was involved in that process, which makes it rather curious, I think, that today the governor says that he TAPE INAUDIBLE with the plaintiff districts because they are suing us, when he was involved with the settlement the first time around. This really is an issue of keeping a promise that we made to all of these people. The settlement that John Sununu came up with resulted in Augenblick, unfortunately, it was never funded, never fully funded. Let me just say something very quickly about that. Fully funding Augenblick at eight percent is a drop in the bucket for most school districts. It is a very small amount. Originally when the bill went through, it was vetoed by Governor Sununu because it made eight percent just a target with the hope that we would fund more than the eight percent level, at some point in the future. But Governor Sununu insisted that it would stop at the eight percent level, and so that is where it was left. We broke that promise, and today we are here to try and keep that promise. Yesterday we heard testimony from the governor's budget director, that essentially constituted a revisionist history of the Augenblick Formula. He told us that John Augenblick had said that the formula was never intended to be fully funded. Absolutely, not the case. At least if you define fully funding at eight per-

cent. It was certainly intended to be funded in that way. Perhaps Mr. Scamman misunderstood, and was saying that Augenblick said that it was never intended to be funded at 100 percent of the cost. There is the possibility that he misunderstood that. I don't want to characterize Mr. Scamman in a way that is unfair. He said that the property tax was fair when he was asked a question. I believe that Senator McLane asked him directly, whether he thought the property tax was a fair tax? I presume that he spoke for the Governor, but I don't know. But he said that the property tax was fair. Senator Disnard has read to you his quote from here, but I want to read it again, because I think that it is an important quote, "if people live in a house that is too expensive for them to pay taxes, they don't have to live in that house. They can live in a house that is a little bit less." For most citizens in the state of New Hampshire, their home represents their life savings. What Doug Scamman was saying on behalf of the Governor, is that we are going to tax away your life savings or else you can give it away and go someplace else. You can give it away and go to a smaller house in your community or another community, or maybe they even meant to give it away and go out of state, leave. That is not the way that we ought to be treating our citizens in this state. We ought not to be taxing them out of their life savings, nor telling them that they have to move from the home that they have lived in all of their lives in many cases; in addition, many of us live in communities where even if they put their house on the market, they couldn't possibly sell it, given the fact that they have little or no equity left in it and their property taxes are so staggering that nobody wants to buy it. We heard testimony yesterday, from a superintendent of schools who said that if you come above the notch and you look at how many homes are for sale there. So do we say to those families, well sell your house or worse, walk into your bank with your keys in your hands and drop them on your banker's desk and say, it's all yours. That is the position that we are putting citizens in in this state. Senator Barnes gave me a hard time earlier, about the fact that I quoted Shakespeare last week. So, to make it a little easier for him, I am going to quote Dave McNally of the Orioles, something that he said about Earl Weaver, "The only thing that Earl Weaver understands about major league pitching is that he can't hit," and I suspect that the only thing that Doug Scamman understands about the Augenblick Formula is that he doesn't want to fund it. We are in a position where if we do not keep our promise to the citizens of the state of New Hampshire on this issue, many of our citizens are not going to be able to continue to pay their property taxes. Maybe Senator Hough is correct when he says that we are verging on class war in this state. And if he is correct, then the age old adage of war, I guess, can be applied to Doug Scamman, and that is, the first casualty of war is truth. Please support this bill for the citizens in this state and what we have put them through in the last four years and even prior to that.

SENATOR LOVEJOY: Senator King, do you have a plan in mind to fully fund the Augenblick Formula plan?

SENATOR W. KING: Senator Lovejoy, any governor worth his wit, could present a budget to the legislature the next time around that would fully fund Augenblick using existing resources.

SENATOR LOVEJOY: Can you enlighten the rest of the Senate, Senator, as to how this would be accomplished if you were governor? What plan you would present to us?

SENATOR W. KING: Senator Lovejoy, there are probably 101 different ways of doing it. Several of them were suggested yesterday. Senator McLane sug-

gested that we use some of the Medicaid money to fund it. Pardon me, that was Senator Currier; also, both Senator McLane and Senator Currier suggested that we use part of the Medicaid money to fully fund it. You could do it with a six percent across the board cut. I am not advocating across the board cutting because I think that you can do that sort of thing more carefully. All that I am saying is that any governor who is worth a wit, can present a budget to the legislature that fully funds Augenblick, that fully funds Foundation Aid to communities and provides property tax relief to them.

SENATOR LOVEJOY: If I am understanding, Senator, your answer is that raising the additional \$54 to \$55 million can in your opinion, be accomplished without affecting new and different taxes?

SENATOR W. KING: That is correct.

SENATOR LOVEJOY: Thank you.

SENATOR COLANTUONO: Senator King, were you in the legislature when the Augenblick Formula was adopted?

SENATOR W. KING: Yes.

SENATOR COLANTUONO: Do you recall that Mr. Augenblick suggested that the BPT money be distributed through his formula?

SENATOR W. KING: As I recall from the testimony yesterday, I was on the Executive Departments and Administrations committee at that time, and we were reorganizing state government, under John Sununu, and so I wasn't on the Education committee, so I don't recall all of the details. But yesterday, there was a discussion about that issue, and I believe that someone suggested that that was part of the discussion, but, that John Sununu insisted that the revenues from the BPT would not be used as part of the Augenblick Formula funding.

SENATOR COLANTUONO: And did you vote for that to happen, with the BPT money, not to be used for the funding?

SENATOR W. KING: I guess that it never came up for a vote.

SENATOR COLANTUONO: I take it that you would agree with Senator Hough, that since Augenblick was put into affect, the legislature has never, "fully funded it?"

SENATOR W. KING: Correct.

SENATOR COLANTUONO: And isn't that because this legislature passed budgets which set certain amounts in the budget for aid to education which didn't meet what some people might consider fully funded?

SENATOR W. KING: Yes.

SENATOR COLANTUONO: And did you vote for those budgets each and every time that you were in the legislature?

SENATOR W. KING: Yes.

SENATOR COLANTUONO: Thank you.

SENATOR W. KING: In addition to that, let me just add that during the last go around on the budget, it was the Senate who insisted that \$10 million in additional revenues be placed into the Foundation Aid Formula, not Governor Steve Merrill. He has been going around saying and taking credit for that. But he wanted that to be part of his surplus line in the budget, and we insisted, and the House went along with us, that that \$10 million go back to the communities to provide some additional property tax relief.

SENATOR WHEELER: Senator King, you just stated that if we do not pass this bill that people won't be able to afford their property taxes. Are you then promising or saying that if we do pass this bill, that property taxes won't go up?

SENATOR W. KING: Senator Wheeler, would you ask the question again, I am not sure what you're saying?

SENATOR WHEELER: You stated that if we do not pass this bill, people will not be able to afford their property taxes. Are you therefore saying or promising, that if we do pass this bill, that the same people's property taxes won't go up?

SENATOR W. KING: Senator Wheeler, under the current system today, we have created a system that puts good decent people against one another because some of them are fighting for their children and their grandchildren's welfare, and others are fighting for survival. What I am saying is that is not necessary. If this legislature is willing to take on the tough issues, and this is part of it, this is the first step to doing that. If we do not take this first step, it is going to be even harder for people to be able to keep their homes. Enough people have already lost their homes in this state as far as I can see, and we don't need to make that any worse. In some communities this will mean that property taxes will be lowered significantly. Other communities may choose to use those dollars to enhance their educational system. But, I happen to believe in their ability to make that decision without our telling them how to make it.

SENATOR WHEELER: So then what you are saying, is that this money that we give each individual community, will not necessarily reduce that community's expenditures and take the burden off the property tax?

SENATOR W. KING: I expect that in almost every case that it will reduce the burden on property taxpayers in these communities, and in some cases it may not.

SENATOR HOLLINGWORTH: Senator King, Senator Colantuono asked you, or it could have been Senator Wheeler that asked you, if you had voted for the budget in those years when the formula had not been fully funded. My question to you is, during that time in the budget process, was the control of the Senate and House and governor under a particular party?

SENATOR W. KING: Senator Hollingworth, ever since I have been in this legislature, the legislature has been in the control of a Republican governor and a Republican party. But I want to say this about that, this problem is a problem that we all share. When your property tax arrives, nobody asks you if you are a Democrat or a Republican. We have got to solve this together. That is why it is so important that people who are Republicans and Democrats in this legislature and in this Senate, be willing to be put aside partisanship to come up with a solution.

SENATOR HOLLINGWORTH: There was a famous quote by one of our Presidents. It says, "There are risks and costs to a program of action, but they are far less in the long range risks and costs of comfortable inaction". Would you agree with that quote?

SENATOR W. KING: That often seems to be the case.

SENATOR J. KING: Senator King, at the present time, there is a little bit of chaos out with the locals, in Derry, for instance, with their educational problems, my own city of Manchester is having difficulties, they are talking about cutting several teachers, certain programs and whatever. Do you think that they are doing this just because they want to cut the programs, Senator King?

SENATOR W. KING: No, I don't, Senator King. Senator King, the governor said a couple of weeks ago that, "there are two kinds of people in Derry, those who want to raise taxes and those who want to lower taxes." I don't believe that. I believe that there is only one kind of person in Derry, people who care about their kids and their community, but are fighting to survive, and having a hard time doing that. That is why they cut their budget. What you see in this bill will in many ways, restore the dollars to Senator Russman's community that they had to cut in order to survive financially. So that they would be able to keep some of the teachers that they have had to lay off as a result and perhaps keep some of the programs that they have had to cut.

SENATOR J. KING: We are very concerned about how the state is going to finance it. Would you be able to tell me what the city of Manchester or the town of Derry or any of the others that are having difficulties, what are they going to do to finance it to keep their education programs what they should be?

SENATOR W. KING: What are the communities

SENATOR J. KING: What are they going to have to do?

SENATOR W. KING: They are going to have to raise property taxes if they are going to continue to provide the kind of education that they have been providing in the past, if we don't do this.

SENATOR J. KING: Does that mean that this basically would give to the towns and cities, and what we said we would do is to help them with the property taxes, and that this would probably be the only way to do it?

SENATOR W. KING: In some cases, yes, absolutely.

SENATOR WHEELER: Senator King, if you are really concerned about reducing the cost of education and helping out the communities, why do you continually oppose introducing competition into the educational system which would reduce cost to the communities and help the property tax?

SENATOR W. KING: Senator Wheeler, I am not sure that that is an appropriate question for this bill, but let me just say, that time after time, I have stood up, and I have said that I support choice among public schools, because that is where we are investing our property tax dollars, in public schools, and we ought not to be wasting them on private schools or parochial schools. We ought to be putting them into public schools so that our kids who can't afford to go to those other schools have the same kind of opportunities that children who go to those schools have.

SENATOR WHEELER: Thank you, Senator.

SENATOR CURRIER: I rise in support of the pending legislation. Quite frankly, I am sick and tired of those people who asked the question, that I think is obvious, politically anyway. That is, what are we going to cut? Why is it always cut? I think that the children of the state of New Hampshire and the taxpayers are more important than having to cut. I take exception to the fact that nobody has any ideas to fully fund Augenblick. This Senate passed the bill to the House that would have helped that measure, and it was one that enhanced sweepstakes revenues through a video lottery program. There have been other measures that the House has sent to us, which was a fee, if you will, on the winnings of gambling in the state of New Hampshire. New Hampshire has never really liked the idea of a broad based tax, a sales or an income tax; I personally would not support either. So the only alternative then, if in fact, you are going to do something be-

sides cut, which hurts people, you are going to have to come up with innovative ways to fund it. Yesterday, during the hearing, it was kind of interesting to note that we came up with one hundred million bucks, just like that, to fund this health care plan, and yet, by some of the proponents of those measures, the answer to the health care program, nationally, are going to take place within the next five years, which means that the funding for the fifth, sixth and seventh year of that \$100,000,000 could, in fact, be used as a way to fund the Augenblick or the Foundation Aid program. There are ways to do it, and people in the state of New Hampshire are looking for leadership in accomplishing that goal, and I think that the answers are right here in the legislature. I urge my colleagues to support this measure. Furthermore, I am not running for governor, and I never intend to. I think that we can solve that problem right here and right now.

SENATOR LAMIRANDE: I rise in support of HB 1319. I also find it a privilege to be able to be here today to do so. I was not part of the legislature in the past that voted on budgets, so I can't address that issue. But I can tell you that I live in a district and represent a district, that has had a tremendous amount of problems, both in the property-poor areas and the deterioration of schools and the cutting of programs. I see this piece of legislation as a definite life saver, especially to my home town of Berlin and the surrounding communities that I represent. There is no question in my mind that education is the backbone of the nation. If we are to try and survive, we must become a nation that thinks for a living. Education is an investment in the future quality of our children's lives and the future of our state. While schooling has always been a key variable in determining light outcome for children, recent changes in the national labor market and the world economy, make a good education even more critical to productivity and self sufficiency. I would like to quote, Senator Barnes, a couple of past Republican presidents, who I hold in high esteem. Back then, the thing that was on the forefront of their minds, guess what? It was education. To quote Dwight David Eishenhower on the vital importance that education makes, "Because our schools help shape the mind and character of our youth, the strength or weakness of our educational system today will go far to determine the strength or weakness of our national wisdom and our national morality tomorrow." That is why it is essential to our nation that we have good schools and their quality depends on all of us. To further quote our 16th President, Abraham Lincoln, on the subject of education, "Upon the subject of education, I view it as the most important subject which we as a people can be engaged in." I would like to thank each and every individual who had a part in HB 1319 to give me the opportunity to be able to support that bill today.

SENATOR COLANTUONO: Senator Lamirande, I would like to give you the opportunity of explaining, because we haven't heard yet, from anyone except Senator Currier, who wants gambling, where you propose to raise the extra money or find the extra money to fund this bill?

SENATOR LAMIRANDE: Senator Colantuono, education should be top priority and where the money comes from should be top priority. So it should come from wherever else it would be allocated to, and then work on the rest. Education should be at the top. It has not been in the state of New Hampshire.

SENATOR COLANTUONO: In that regard, since we need \$60 million. Are you willing to cut \$60 million out of Health and Human Services?

SENATOR LAMIRANDE: I didn't say that. I just said that it should be top priority. Education should come first because Health and Human Services depends on education. You need to educate for health purposes, also.

SENATOR COLANTUONO: Are you willing to increase a tax or institute a new tax to pay for this?

SENATOR LAMIRANDE: I didn't say that either. I see this, the means of fully funding the Augenblick Formula as a way to relieve some of the tax burdens on the property taxpayers right now.

SENATOR COLANTUONO: Where in the bill do you see any requirement that the property taxpayers' bills would be relieved if we passed this bill?

SENATOR LAMIRANDE: That would be up to the individual communities to use the money as they see fit. I can tell you right now, that I bet you that everyone of the communities that I would represent, would put it to good use.

SENATOR COLANTUONO: Speaking of your own communities that you represent, are you aware that if this bill passes, your district will get less additional money than any other district, except for one?

SENATOR LAMIRANDE: My district gets a total of an increase of close to \$8 million, with that in mind, if you consider what we have had in the past, it would be approximately a 70 percent increase.

SENATOR LOVEJOY: Senator Lamirande, I have heard, not just from you, and perhaps the question of you is unfair without asking the others, but I have heard the presentation that this is going to create more money for education and give the kids a better opportunity in the state to learn. Then I have heard that it is going to lower taxes. The question that comes into my mind is that we are only going to spend that dollar once. Do you think that this is going to lower taxes or increase money to education?

SENATOR LAMIRANDE: I think that it could do both, Senator, if we put that dollar to good use, and this most certainly would be put to good use.

SENATOR LOVEJOY: Nobody questions that anyone with money is going to put it to good use. I think that my question focused on how it is going to lower taxes and increase spending. Can you explain that to me?

SENATOR LAMIRANDE: I don't see it as increasing spending; I do however, see it as lowering taxes, yes.

SENATOR LOVEJOY: If the money goes to the school district, is that not increasing spending?

SENATOR LAMIRANDE: No.

SENATOR LOVEJOY: It isn't? Let me ask this question. Is there anything in the bill that would require these additional funds to be spent on the school districts themselves and not be used for other purposes within the community?

SENATOR LAMIRANDE: I believe what the bill addresses is that the funds are to be used for education.

SENATOR LOVEJOY: When a community puts together their budget, don't they consider both income and expenditures, and would you agree that that is so?

SENATOR LAMIRANDE: Yes, I would agree with that.

SENATOR LOVEJOY: And would you agree, also, that in putting together that budget, a consideration is given as to how much money is coming in and as to how much money is going out?

SENATOR LAMIRANDE: Yes, sir.

SENATOR LOVEJOY: Would you agree then, that additional state money under an Augenblick Formula or any other formula, then when it goes into the process of setting a local budget, wouldn't you agree that it would be considered income, and then the spending levels would be achieved considering that and other incomes to the cities or towns?

SENATOR LAMIRANDE: That could very well offset, any additional money could very well offset the amount of taxpayers' dollars, tax property, thereby reducing the amount that is needed for the base that you need to fund education in your area.

SENATOR LOVEJOY: Well isn't it so, Senator, then that if the Augenblick money was increased and the additional funds went to cities and towns, that there is nothing there that would say that one penny of it, would have to go to increase educational spending?

SENATOR LAMIRANDE: I don't agree with that statement.

SENATOR LOVEJOY: Could you show me in the bill, where it requires that?

SENATOR LAMIRANDE: Well if the money is coming from the Augenblick Formula to fund education, then it has to be used for a specific purpose and that is for education.

SENATOR LOVEJOY: I am still trying to get to the first question. The first question is, is there anything there that would compel the community to spend that money as extra money for education or would it be merged into the process of expenditures and income and having the tax rate from that?

SENATOR LAMIRANDE: No. I don't think that it would be merged into anything. It can be co-mingled with anything else if the purpose and the sole purpose of the money is to be used for education.

SENATOR LOVEJOY: Thank you, Senator.

SENATOR J. KING: Senator Lamirande, what choice do the locals have now? Most of them are at a point where they're losing and not gaining, in order to maintain it. Just to maintain, they would probably have to use what?

SENATOR LAMIRANDE: In order to maintain, what they do in my town, is they raise property taxes.

SENATOR J. KING: What would happen if they wanted to improve education?

SENATOR LAMIRANDE: Without fully funding Augenblick?

SENATOR J. KING: Yes.

SENATOR LAMIRANDE: Then they would have to raise property taxes.

SENATOR J. KING: So it all boils down to just one thing, property taxes, right?

SENATOR LAMIRANDE: Exactly.

SENATOR BOURQUE: Senator Lamirande, would you believe that the city of Manchester will receive \$4.6 million and Goffstown will be receiving \$677,000 which is a feel good piece of legislation in the pocket books of our taxpayers?

SENATOR LAMIRANDE: Yes, I would.

SENATOR BOURQUE: Thank you.

SENATOR COHEN: I will be very brief. This is a test. This is a test that our constituents are watching. All of our constituents are faced with a problem, high property taxes. People are being forced out of their homes.

People, at the same time, want to fund education. Every community in my district, I don't know about everybody else, but in every community in my district, families are fighting families, because people want to fund education and they can't stand any more pressure of higher taxes. This is a test, our constituents are watching. We have to do the right thing. We have to allow people to stay in their homes. This bill can relieve pressure on town governments. And with the anticipation of a question, I would be happy to. I would look forward to working on legislation that would correct our current tax structure.

SENATOR COLANTUONO: Senator Cohen, I can't find it in the bill, and I don't think that any other speaker has found it in the bill, where do you find in the bill that this bill will do anything to relieve property tax burdens of our people?

SENATOR COHEN: The Augenblick Formula was created to help fund education. Property taxes, people are being bled dry because of property taxes. It seems to me pretty clear.

SENATOR COLANTUONO: Do you concede that this bill will allow for more spending on education and will do nothing to lower the property taxes in this state?

SENATOR COHEN: No.

SENATOR COLANTUONO: Where do you propose to get the money to fund this \$59 million and then \$67 million? I know that you have been instructed not to say, but . . .

SENATOR COHEN: I haven't been instructed by anybody.

SENATOR BLAISDELL (In the Chair): I don't think that's a proper comment.

SENATOR COLANTUONO: I take it back. I just saw all of the hand signals going and I had to react.

SENATOR COHEN: Sorry, I missed the hand signals. The short answer is that I would be very happy to work on legislation to correct the inequities. It needs to be done. It is a complex problem and it requires a complex solution.

SENATOR SHAHEEN: Senator Cohen, don't you find it interesting that all of the discussion about this bill has been along the lines of all the opposition from the bill and has been along the lines of the people who say that it is not going to property tax relief?

SENATOR COHEN: Yes.

SENATOR SHAHEEN: It seems to me given the \$1,713,242.54 that is going to go to District 21, that I might have a difficult time arguing to the residents of Dover, Lee, Madbury and Rollinsford, that additional money is not going to be there to provide for them some property tax relief, should those local school districts decide to use it for that?

SENATOR COHEN: Sounds like property tax relief to me.

SENATOR SHAHEEN: And wouldn't you like for the opponents of this bill, in the Senate, to ask Governor Merrill, if he agrees with Doug Scamman's statement, that people who can't afford to pay their property taxes ought to sell their houses and live in a less expensive house? Cause I'd sure like to know if he agrees with that, because I would find it very difficult to go back to my constituents in District 21 and make that kind of a statement to them?

SENATOR COHEN: It would be very interesting to find out if that is his policy as well, to force people out of their homes.

SENATOR MCLANE: In 1980, I ran for congress and I lost, so I spent a year working for Arthur Nighswander, who was doing the fair school funding suit. It was my responsibility to go around to the ten worst schools in New Hampshire and find people to be plaintiffs in that suit. I will never forget that experience. The Augenblick bill, and I worked very hard with John Augenblick out in Colorado. When I was Chairman of Ways and Means, was a method which was used as a last ditch compromise, and so that the fair funding suit did not go forward. The Augenblick Formula has never been fully funded. I am passing these out because a picture says a thousand words. If you will look at the picture, you can see not only that, but the sweepstakes revenue is peanuts, compared to the cost of education. But that the cost of education has doubled since 1984. The reasons are many. It isn't that our schools have gotten that much better, but that we have had an increase in special education to the point where now ten percent of the kids in our schools are coded. In Claremont, it is 20 percent that are coded. We have inflation which has doubled in that time. We have more pupils in our schools. We have an increase, luckily, in the number of kids who are now graduating, which may mean that they just can't get a job, so that they keep going to school. We also have alternative schools. If, as the governor has suggested, you just eliminate the SAU's and that is how you fund education, it is exactly two percent of the budget, which is just about what those little dots for the sweepstakes show on your chart. For every dollar that you spend on early childhood education, you save \$6. This has been proved again, and again, and again, over the 25 years that I have worked on this issue, 30 years. It is true today, more than ever, when you look at the statistics of teenage pregnancy. When you look at the statistics about prisons. The more that you educate kids, the less that it costs you in the end. In Derry, they had a reevaluation. The pink slips that were passed out there numbered in the hundreds. Eighty teachers are going to lose their jobs because they cannot afford to put their property taxes up anymore. We listened to the superintendent of schools from Lancaster in a wonderful public hearing that we had on this bill. The man from Lancaster said that we can't go on. Less than 15 percent of our budget has any local control at all. And Randy Bell added, "for districts with low resources, local control is a myth." They said, come up north to the notch, we are dying up there. In Berlin, the superintendent told us that their schools may not be approved for minimum standards. I am not going to call Doug Scamman a liar, perhaps, misinformed. But I do wish that after all of these years that he could learn how to pronounce Augenblick. I think that it is interesting that the opposition has not spoken today. We have had six speeches and they're all on our side. I hope that you're not embarrassed. But when the people in your districts. Read the paper tomorrow, and figure out, specifically, how much they would have saved on their property taxes, if we had passed this full funding of Augenblick. If the gays called you up, you just wait until some little old ladies get their pens out and figure out how much you're costing them today. If we tripled the Augenblick Formula six times what we are talking about today, we would still be last in state aid to education, behind Nebraska. This is a small but important step, a promise made to the courts and to the people, and most particularly, to our kids.

Senator McLane requested a roll call.

Recess.

Out of recess.

Senator McLane withdrew the request for a roll call.

Adopted.

Senator Lovejoy offered a floor amendment.

6165B

Floor Amendment to HB 1319-FN-A-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the issue of fully funding state aid to education under the Augenblick formula.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. A committee is established to consider the following issues:

I. Methods of fully funding state aid to education under the Augenblick formula.

II. Revising the funding of other state programs and the amounts of such revisions to provide funding for state aid to education.

III. Taxes to fund state aid to education.

2 Public Hearings. The committee shall hold public hearings to allow public input regarding fully funding state aid to education under the Augenblick formula.

3 Departmental Recommendations. The committee shall seek recommendations from state agencies and departments whose budgets may be affected by budget or funding revisions, and how such revisions will impact services provided.

4 Composition of Committee. The committee shall consist of the following members:

I. The governor, or designee.

II. Two senate members, appointed by the senate president.

III. Two house members, appointed by the speaker of the house.

IV. The attorney general, or designee.

V. The chairperson of the state board of education, or designee.

VI. The state budget director, or designee.

5 Meetings; Report.

I. The chairperson of the senate education committee shall call the first meeting. At that meeting the committee shall elect a chairperson. The committee shall make a report of its findings, including recommendations for legislation, to the governor, speaker of the house and the senate president on or before November 1, 1994.

II. Those recommendations adopted by the legislature and governor shall be included in the budget for fiscal year 1996.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study fully funding state aid to education under the Augenblick formula.

SENATOR LOVEJOY: I apologize for the confusion. We wanted to make sure that we had the opportunity to address our amendment. The pages are distributing the floor amendment at this time. We talked about it before and it is not a surprise to anyone. The amendment is one that replaces all of the bill with the following. It will establish a committee that would be formed and charged with the responsibility of proposing a method of fully funding the Augenblick Formula in granting state aid to New Hampshire

schools. Now this committee shall be responsible to study what programs within the state, that should be cut and by what amounts. What taxes should be raised and by what amounts, in order to raise the funds necessary to fully fund the Augenblick Formula. This committee shall hold public hearings, if the amendment is passed, seeking public recommendations as to the ways and means to fully fund the formula. They shall seek departmental recommendations from the departments whose budgets may be affected by the loss of funds, and how it will affect their level of services that they now provide. And the committee then, would make their report to the full House and Senate, by ways of the Senate president and the Speaker of the House, as well as the governor, not later than November 1, 1994. And the recommendations then, if adopted by the legislature and the Governor, would be included in the fiscal year 1996 budget. So this doesn't change in any form, the time lines that are incorporated in the original bill. And if I may say this, that I didn't realize, I had no idea, that the debate on the merits of broad base taxes versus property taxes would be part of this discussion today. This November, as it has been debated in the past many, many, gubernatorial elections, when this discussion has been made and the people have spoken overwhelmingly about the myths that we can spend more and tax less. If we are sincere in our attempt to increase state funding of education in New Hampshire, then we should, in my view, go about it in a proper manner. This amendment makes that possible. It establishes a proper committee. It charges them with proper responsibilities. It seeks public input as well as state departments' input, and it also works within the time frame of the bill that it amends. So now we have a choice. If we do not pass this amendment, and instead pass the bill, that vote will be decisive. We have already heard that the Governor will veto the bill. There are enough votes, in my view, to sustain his veto. If that happens, the proponents of this bill will go away with nothing but a campaign issue and a questionable one at that. If we pass this amendment, they will have the success of hearing and presenting their case to the people of this state in an open and in a forthright manner. I urge you to do that. Thank you. A gentleman whose name has been attached to his formula, and on whom we paid and relied for his advice, said on April 1, 1994 on the radio station WKXL in an interview with host, Dick Osborne, and I will quote what he said, "It is critical to have the money. You don't want to have legislation in which you are going to fully fund something or claim that you are going to fully fund something, and not have the money to actually do it. I think that it is only prudent to be sure that you have the money." I think that that is good advice. I think that we should pay attention to it. Governor Merrill agrees with the advice. And in fact, he agrees with, and fully supports this amendment. I approached him in his office this morning and I told him what I was going to do with the amendment, what I hoped to achieve, and they said that they supported that. They support a full study, an actual study of how we can fully support the Augenblick Formula and provide an education. But only appropriating money after that study has been made, discussions have been held and choices have been made. To pass the bill, the governor said, without the amendment, is an empty promise to the taxpayers of this state. Now, if we spend \$55 million without first knowing where it is coming from, we could be charged with the outmost of fiscal irresponsibility. And in my view, we should be charged with irresponsibility. The taxpayers of this state would and should, have our heads. If we wrote checks from our personal accounts, for money that we did not have, we would be breaking the law. In California, educational quality suffered greatly from the move towards so called, equal funding. According to a Foster's Democrat story, credited to a reporter in Los Angeles, "The

state's long slide into educational decrepitude, began with the 1971 court case, claiming that unequal spending in school districts, resulting in differing property values was unfair. The state has drifted downward, relative to the rest of the country, in its average spending per student, because unlike most states, it no longer has a few high spending districts at the top to pull up the average." In Michigan, where the legislature this past year voted to wipe out their method of school funding the voters were faced with just two questions on their March 15 ballot. Did they want to raise their sale tax or did they want to raise their income tax? In either case, in fact, in every case, there is no guarantee of equitable funding. Those communities that can, and those who wish to, can spend the extra money that they want and so outspend those who either do not wish to or cannot afford it. According to the Detroit News, March 13, just two days before the Michigan vote on the 15th, the ultimatum facing Michigan voters on Tuesday when the decided proposal A, the most farreaching tax reform ever placed on the state's ballot. But many feel that the choice is no choice. Rejecting proposal A means getting the fall back version. If proposal A passes, the funding comes out of your wallet every time that you buy a car, every time you buy a washing machine or a new pair of shoes. If you go for the income tax back up plan and the money comes out of your paycheck and there is no other choice. According to Michigan Senate discussions, the only guarantee of equity in spending in schools, is to place a cap on how much can be spent and allow no more. That is true. I think that this is counter to good, quality, education. Because as long as you allow those communities who desire to spend more, to spend more, you're not going to have any equity. So the only way that you're going to guarantee that you won't have an equity, is to say that you can't spend any more than . . . and I don't think that we want to do that. I don't think that we want to do what Michigan did and spend the money before we have decided how we are going to raise it from our people. I don't think that we want to do it until we go to the people and ask them for their input. I urge you to support this amendment and perhaps at the sacrifice of a possible, political issue, devote our time and our energies, and our talents, to a proper study to what the people of our state want to do. Thank you.

SENATOR MCLANE: Senator Lovejoy, I am so grateful to you. I have been trying since December 29 to get our governor to give us a clue as to what he meant to do in reaction to the fair school funding suit. And you're telling me, that he is going to support this study committee and that is his answer?

SENATOR LOVEJOY: That is what he told me this morning, yes, Senator.

SENATOR MCLANE: Thank you. Now secondly, having been 25 years in this place, I know what happens when you have a difficult bill.

SENATOR LOVEJOY: Can I tell you that you look very well for the wear?

SENATOR BLAISDELL (In the Chair): Senator Lovejoy, would you please let her finish her question first.

SENATOR MCLANE: Oh, he can interrupt for those sorts of things. I have been on seven study committees about what to do about fair school funding. I would like to issue to you and the governor, and I guess my question is, would you accept, to come to a public hearing, Thursday, at 1 o'clock in room 210, on HB 1260 FN, an act establishing a task force to study public education funding issues. I am saying that those of us who believe in Augenblick full funding, will be there in force. But I wonder if you and the governor will be there for that bill?

SENATOR LOVEJOY: Senator, to answer your question, I will do my very best to be there. If it is on a Thursday, I've reserved Thursdays for Concord and I will do my best to be there. I certainly commend you for serving on seven committees, and I know that it is a tough job, and I am asking you to do one more. The results of that would answer this Augenblick Formula, fully funding and it would be for that purpose.

SENATOR DISNARD: Senator, is your amendment a parliamentary procedure to kill HB 1319?

SENATOR LOVEJOY: Absolutely not, Senator.

SENATOR DISNARD: What is the parliamentary procedure that this amendment of yours should be accepted by this body?

SENATOR LOVEJOY: It would take effect on its passage. The committees would be named and there is no time to lose, Senator, because we have to come up with our recommendations during the early part of the month of November.

SENATOR DISNARD: Senator, would you believe, that I understand, that if the House Bill is changed, it will go back to the House for a Committee of Conference. The House would then vote on it and at the urging of the governor, kill it. I think that this is a parliamentary procedure. Maybe you may not be looking at it that way, to kill this Augenblick bill.

SENATOR LOVEJOY: Senator, I am sorry that you believe that, because it is not true. This came from me to the governor. It didn't come in the other direction. It is a sincere effort. I believe that there is not a person in this state or a person in this Chamber, who wouldn't vote to spend more money on education. To further answer your question, that the question that I asked is how can we do it? I just can't vote a blank check. I have to find out how we are going to do it, so I am asking for this study committee. And it is within the same time frame, Senator, as your bill is.

SENATOR DISNARD: Sir, I think that you had better realize, again, I will be redundant, what the parliamentary procedure is. This bill would have to go to a Committee of Conference, and if the Committee of Conference approves it, it would have to be voted on by the whole House. I cannot see with the pressure that the Speaker of the House and the Corner office, put on the House members after this Augenblick bill was approved, that this bill would ever get through the House.

SENATOR LOVEJOY: To answer your question, sir. I would use whatever small influence that I have to see that it did pass the House and that the study is completed.

SENATOR DISNARD: Senator, you mentioned about the different choices that the voters of Michigan had to support education.

SENATOR LOVEJOY: Yes.

SENATOR DISNARD: You told the people that was because the citizens of Michigan or the legislature voted to kill the property tax, they had no money to support their schools, so the people had to have a choice. Did you explain this to the people?

SENATOR LOVEJOY: That is correct.

SENATOR DISNARD: Thank you. Thank you.

SENATOR LOVEJOY: My point, Senator, was that the question, was no question. It was a choice between one tax or another. Did you want a little poison or a lot.

SENATOR DISNARD: Would you believe, that if either one of those were defeated, that there would be no money to support the schools in the state of Michigan?

SENATOR LOVEJOY: I believe that is the position that the legislature in Michigan placed the school system in, and I would hate to think that we would do that in New Hampshire.

SENATOR DISNARD: Thank you very much.

SENATOR LAMIRANDE: Senator Lovejoy, you stated that the governor was in support of your amendment, am I right?

SENATOR LOVEJOY: Yes, I did.

SENATOR LAMIRANDE: Then would you not say that the Governor feels that this is an issue that should be addressed, and that is why he supports the amendment?

SENATOR LOVEJOY: I didn't ask him for an explanation. I told him what I was going to do and he said that he supported it. I think that is fair. That is a fair response from him, and I don't doubt his sincerity. I have no reason to. I believe that he would be open and forthright, and certainly receptive of such a study being completed.

SENATOR LAMIRANDE: Senator Lovejoy, a little while ago you had asked me where I thought the money would be coming from as far as this bill, if it were to pass. I have been sitting here listening to everybody talking. Would you not agree, that if you were to sit down and make a budget for yourself, and you only have a certain amount of dollars in those coffers to address that budget, that basically, the first thing that should be on the agenda, would be food and water or groceries?

SENATOR LOVEJOY: Are you talking about my personal agenda? I guess that is priority. I guess in my case, that would be so.

SENATOR LAMIRANDE: Would that be a priority, I would say? I mean everything else would be immaterial if you couldn't sustain your own life, would it not? Wouldn't that be the case?

SENATOR LOVEJOY: I will point out that if Genesis, I was reading last night, the first priority of Adam and Eve's was the apple and then they went to the clothing.

SENATOR LAMIRANDE: An apple is part of food, though. So that would sustain your health. What I am getting at is, if the first priority is so that you're able to complete everything else in your budget, or to take care or to address everything else in your budget, wouldn't you not agree, that education should have top priority in a budget of a state?

SENATOR LOVEJOY: I certainly believe that education is an important thing that we can do. I believe that, and I have always supported spending as much as we can afford. I have never voted to spend money that we didn't have until we saw where it was coming from.

SENATOR LAMIRANDE: But you would agree that education should have top priority?

SENATOR LOVEJOY: I certainly would agree that that is a priority item.

SENATOR LAMIRANDE: Thank you very much, Senator.

SENATOR CURRIER: Senator Lovejoy, you checked with the Governor's office on this, and I did that on another bill a while ago, and I got two different answers, and I got an editorial written against me for being soft

on crime. Anyway, with that said, the question is, did you check on the other side of that wall, to see what response this amendment would have? I mean, what assurance is there that they won't just kill the original bill?

SENATOR LOVEJOY: Senator, I can't assure you of what the House is going to do anymore than I could Senator Disnard. Nor could they assure what I was going to do if it was a different question. What I would assure you of, is that I have no reason, nor does the governor of the state of New Hampshire, ever indicated anything to me but a sincere position and a sincere conduct in his office. I have no reason but to take his word as the word.

SENATOR CURRIER: The question was about the other side. I understand that. I am not questioning the other aspect. I mean, I believe that the governor is saying that and I wasn't referring to the governor specifically, in my previous comments, I was referring to specifically, the other side of the wall. You have seen what happens on the other side of the wall, I assume, from some of the stuff that has come over here and some of the inaction, and some of the other stuff that is going on. I mean, so there would be some concern, I would think?

SENATOR LOVEJOY: Senator, if you have a distrust of the people in the House, it is probably one that you have developed over the years, I haven't been here long enough to get that sense, however, I will answer you the same as I answered Senator Disnard. Should this amendment pass to allow us to get this study underway, I would do everything within my power, to see that it passes.

SENATOR HOUGH: I rise in opposition to the floor amendment offered by Senator Lovejoy. We have heard Senator Lovejoy give his presentation and justification for an amendment. Certainly, he is within his rights to bring forth that type of a change to a piece of a legislation. I would protect at all times, his right to do so. But clearly, this is a diversionary move if there ever was one. This isn't speaking about Senator Lovejoy, he has his charge, he has his mission. But clearly, let us not focus. What are we talking about today, we are talking about what the Supreme Court of the state of New Hampshire said on New Year's Eve. What did they say? They said nothing other than we have a duty. The legislature and the governor have a duty to fund public education. In 200 years of the history of New Hampshire, has that issue been weighed more crystal clear. We have members of the bar that sit on this Senate and they know the constitutions and they will not argue. Yes, the constitution guarantees police power. And under the police power, that is where we come in to provide protection for the health and the welfare to the people of the state of New Hampshire. But that language is broad in subject to legislative debate as it ever should be. And whether we protect the wildlife in the state of New Hampshire, or whether we provide for a highway or a communication infrastructure, as an agency or as a service of state government, it is a determination of this body and the body on the other side of this wall. But the determination that public education is a duty of the state will no longer be subject to debate in the legislature. It can no longer be a subject of question in terms of the chief executive. All branches of government must come together and understand that we have a duty. Before we do anything else, we have a duty to support, adequately, public education in this state. The people across the state of New Hampshire, the people from Coos to the sea, all expect us to act in this Senate today. They don't ask us to study. We know what study is in the legislature. Study is nothing more, nothing more, than inaction. It is an empty promise. Senator Colantuono and Senator Lovejoy and Senator Wheeler have repeatedly,

repeatedly, this afternoon, tried to make members of this body answer questions that they know full well the answer to. I have spent 22 years in this legislature; and if you take the experience of Senator Blaisdell and McLane and Hough, and it wouldn't take many more of you, we go back 200 years. The facts are, and I am not out of order, Mr. Chairman, I am right on and you know it. Setting budgets is nothing unique. It is laborious work. We have statutory obligations that say pursue, that before we do anything else we pay the principle and the interest on our bonding indebtedness. There hasn't been a biennium, when a biennial budget has been brought forth. Yes, with the insistence of Governor Sununu in 1984, \$55 million of our revenue, whether you got it or not, goes back to the cities and towns in the form of revenue sharing and there isn't a member in this Senate, that has the will to attack that piece of legislation, that piece of monetary value. All that we are doing is being consistent with the dictates of the Supreme Court of the state of New Hampshire. Interest and principles on bonds, statutory obligation. Return \$55 million to the cities and towns in the form of revenue sharing. But before anything else, the duty of the legislature, the duty of the state of New Hampshire, as a governmental unit, is to adequately fund public education. That is the solution. Anybody who's had experience on the Appropriations Committee in the House or the Finance Division in the Senate, and we have tried something this year, that has given virtually every member of this Senate, an experience in the budgetary process. Accept when you first start out, those things that you have to do, then work through the process. I will take all of the criticism in the world, but the most enjoyable, worthwhile and fulfilling experience that any member could ever have, ever have, is to sit on the Committee of Conference on the Budget. That is where the budget is brought together. That is where the goodwill of 424 people across the state of New Hampshire takes place. In the Committee of Conference there will be an affirmation, as there was last June, that we will at least, if we do nothing more, honor the promises that we have made. Ten years is a long time. Ten years of inaction is a long time. If we didn't have the Tri-State Megabucks, we wouldn't even be in a position of funding 50 percent of the Augenblick Formula. And quite frankly, to Governor's Sununu's discredit, there would have been a continued erosion of general fund support. There had always been general fund support. We were relying a few years ago, on 100 percent sweepstakes as the only means of funding the Foundation Aid Formula. It was only through the insistence of this legislature that we put back general fund monies, linked with the sweepstakes revenue, so that we could move forward. It is time to move. It is time for this body to move. It is time to speak clearly on behalf of the people of the state of New Hampshire. This amendment, well meaning as it may be, is a diversionary tactic. Defeat this amendment, pass this piece of legislation and let's get on with the people's work. Thank you.

SENATOR W. KING: I rise in opposition to this amendment as well. I find it interesting that the governor has supported this amendment when on several occasions, he has accused members of this Senate of wanting to govern by study committee. Well that is what this is. And this is the simplest possible step in the solution to the problem. It is the simplest beginning of solving this problem. Not one person has stood in this room today, to defend the way that we are financing education today. Not one person has stood to say that the New Hampshire advantage, where it pertains to the property tax is real. That is because it isn't. If we can't take this first step in a decisive way, if we can't fund this little bit of assistance to communities in this state, we are never going to resolve this problem. Let's stop playing political games. Let's pass the bill as it is and let's hope that the governor will sign it and not veto it.

SENATOR SHAHEEN: Interestingly enough, Senator Lovejoy, I agree with you. I think that we should study how we fund education. I think that even though that may be the eighth time that we have done it in the last 25 years, I think that it is important to do it again. But I don't think that we need to do it in your amendment. We have before us, as Senator McLane pointed out, HB 1260, which not only looks at studying the funding of Augenblick, but it looks at studying how we fund education generally in this state. And you know, there have been several very viable alternatives put forward for how we can fund education in a way that might be fairer to everyone in this state. In fact, one of the governor's appointees to the State Board of Education, Fred Bramante, who is a constituent of mine, has been a big advocate of saying that we ought to at the very least, look at a state wide property tax to fund education. And I believe that those of you who are opposing this bill today, are really not being honest with the voters of the state of New Hampshire. Because if we are going to support education, it is time for us to put our money where our mouth is and say to the people of the state, that we are going to be willing to figure out how we are going to fund education. You know, part of the reason that I think that I feel so strongly about this is, because I taught school in Mississippi in 1970. That is the year that they totally integrated all of the schools in the South. That was also the year of the white flight from the schools in Mississippi. I heard all of these same arguments about choice in education and about you know, we don't need to put any more money into the public schools. You know what? Mississippi at that time, had no compulsory education and that was defended in the state. It was also 50th in the nation in terms of every single economic indicator that you could find. I think that if we are going to continue to have a future for our kids, as so many people have said, it is time for us to step up to the plate now and say that this is going to be a priority for us and we are going to fund education.

SENATOR J. KING: I rise in opposition to the floor amendment. I rise in opposition because I have been on a study committee for the past two to three years. Back in 1991 there was a study committee set up and it studied the Foundation Aid Formula. Just to give you an idea of the group of people that were involved, there were two members of the Senate, two members of the House, three leaders from the areas receiving the highest amount of aid, one superintendent from Berlin, one school board member from Rochester and the head of government from Winchester. There were three leaders from areas receiving limited or no funds, one superintendant from Nashua, and one school board member from Conway, and the head of the government from Salem. There was also one member appointed by the governor. The commissioner of education was there, and somebody representing the CDP. The study during 1991 was started, and I think that in 1992 it was still going on. Finally, I think that this might be the result of all of these studies. But the only thing that when all is said and done, the large city that we are looking for, per capita, the smaller places and the poorer places, we are looking for different formula where they can get more. The one thing that everyone agreed upon that was there, was that funding was a problem, and the only thing that would cure the problem was full funding. In relative to Senator Lovejoy's amendment, I think that another amendment could be put in, but after this bill is passed and that would be an amendment to set up a group to study how to determine how to fund this. Thank you, very much.

Recess.

Out of recess.

Question is on the floor amendment.

A roll call was requested by Senator Lovejoy.

Seconded by Senator Wheeler.

The following Senators voted Yes: MacDonald, Fraser, Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

The following Senators voted No: Lamirande, W. King, Hough, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

Yeas: 11 - Nays: 13

Floor amendment fails.

Question is on ordering to third reading.

A roll call was requested by Senator Roberge.

Seconded by Senator Wheeler.

The following Senators voted Yes: Lamirande, W. King, Hough, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 14 - Nays: 10

Adopted.

Ordered to third reading.

Recess.

Senator Hough in the Chair.

HB 1177, an act establishing an advisory committee on child care. Public Institutions, Health and Human Services Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I moved the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1377, an act requiring an optometrist or ophthalmologist to release prescriptions for replacement contact lenses, and setting certain fees for certain out-of-state business registration and renewal. Public Institutions, Health and Human Services Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I moved the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 377, an act allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments. Transportation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: HB 377 was passed in the House committee unanimously by 15 to 0. It was passed by the Senate Transportation unanimously.

Well by those that were there, it is consistent with chapter 507:F, which encourages non intoxication. That is the purpose of this bill, to help servers encourage non intoxication. Right now, people go into a nice restaurant and buy an expensive bottle of wine for a special occasion and they are forced to drink the whole thing. That is not good for safe driving in the state of New Hampshire. They cannot reseal it and bring it home. All that this bill would do is to allow restaurateurs to reseal the bottle, seal the bottle so that you can't open it in your car. More tighter than a bottle of beer. Any bottle of beer is easy to do. Any bottle of beer you can unscrew the cap. When you buy an expensive wine in a restaurant, unless you want to drink the whole thing, and to me, that is a lot of wine to drink, the restaurateur does, quite easily, jam the cork into the bottle, and you cannot get that cork out, unless you happen to have a cork screw in your car. I suppose that you could bring a cork screw, but it doesn't seem very likely. It is much easier to get a screw top off of a bottle of beer. People of New Hampshire are frugal people, they don't like to waste. Right now, they go to a restaurant, they buy a nice bottle of wine, if they don't drink the whole bottle, because they are trying to be responsible drivers, they have to throw the bottle away or have some kitchen help drink the rest of the wine, which is probably not a good idea either. So the problem is that now people buy an expensive bottle of wine in a restaurant, as they often do, they are encouraged to fully consume that bottle of wine and that is a problem. People should not be encouraged to fully consume a bottle of wine. There are about six glasses of wine in a bottle and that is too much for two people to drink, in my opinion. Under current law, RSA 265:81, the open container law, people can, people may transport securely capped bottles in their trunk or in the least accessible place in their car. That is legal. This is entirely consistent with the open container law. The only prohibition is specific to on premises, full service restaurants. That is not fair and this corrects that flaw. It is very easy to buy a bottle of beer anywhere and twist off the cap. That is very legal right now. But if you go into a restaurant and buy a nice bottle of wine, and if you want to take the unconsumed portion home with you so that you can be responsible drivers, it is very difficult to remove that cork from the wine. It is much easier to get the cap off the bottle of beer. This bill enables restaurants to be more responsible servers. If it were a burden on restaurants, you would think that they would come out and oppose this, but the restaurants, all came in support of this. The Hospitality Association came in support of this bill. This will enable restaurants to be able to sell fine wines. It was suggested by one representative that fine restaurants would no longer be able to serve fine wines. But that is where they make some money, and why shouldn't people be able to buy fine wines? If we can't just restrict them to be able to sell by the glass, you can't sell good wine by the glass, it goes bad. You notice that the good wine, you can only buy by the bottle. This would enable restaurants to be able to sell fine wines and not force full consumption of that bottle. This bill is also supported, I might add, by the Director of the Office of Alcohol and Drug Abuse Prevention. If I might quote Geraldine Sylvester, "HB 377 reflects common sense. When someone invests in an elegant and expensive bottle of wine for dinner, they're now faced with limited choices. They can waste what is left, not exactly a yankee trait, drink it down before they drive home or leave it for some kid in the kitchen to secretly consume. Having someone in the establishment re-cork the bottle and having that bottle placed out of the reach of the driver so that they are in compliance with the open container laws, seems not only appropriate but quite acceptable. Simply put, I favor HB 377." This bill is a good bill. It encourages non intoxication. The restaurateurs support it and I strongly urge its passage.

SENATOR BOURQUE: Senator Cohen, would you believe, that if we tabled this bill, we would be doing it because there seems to be a turf fight going on between some representatives in the House and that we are going to get involved in this particular problem that is happening in the House? It was quite clear at the committee level that was what was happening. So I would say no, to tabling, because it is a good bill?

SENATOR COHEN: Thank you, Senator Bourque. TAPE INAUDIBLE. This came out of the House with the full support of the committee. It doesn't need any amending, and it is a very good bill to encourage non intoxication.

SENATOR LAMIRANDE: I rise in support of this bill. We heard it in the committee. Virtually, there wasn't anyone there who didn't agree that this bill could be used as a deterrent for the abusive use of alcohol in that we now have doggy bags, and when you can't finish a meal, and now we will have bottle bags for when you can't finish your wine. Thank you. I hope that you support the bill.

Senator J. King moved to have **HB 377**, an act allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments, laid on the table.

Division vote requested.

Yeas: 9 - Nays: 14

Motion to table fails.

SENATOR RUSSMAN: I wish to rise briefly on the issue of the liability. Earlier a Representative was here discussing the liability issue, and raising that is an issue that is a problem for the establishment. I think that looking at it from an attorney's point of view, this is a contractual problem with the insurance carrier and the restaurateur. The insurance company doesn't want to cover that particular segment, they could either put a disclaimer or something in their contract, or a waiver of not covering open bottles that leave the establishment. So I don't see it as a liability problem that has been raised as a question. I think that it does give people the opportunity to be perhaps more responsible when they say that they don't want to finish it and that they will take it home with them. That gives them another option. I think that we ought to give the consumer that option, really, without having to put the pressure on them one way or another to leave their expensive bottle of wine or to try and drink it at that point. Clearly, the contract part of it could be worked out between the insurance carrier and the restaurant market.

Question is on the motion of ought to pass.

Adopted.

Ordered to third reading.

HB 1518-A, an act requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from turnpike system revenue bonds. Transportation Committee. Ought to pass with amendment. Senator MacDonald for the committee.

6112B

Amendment to HB 1518-A

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Spaulding Turnpike; Exit 6 Redesign and Reconstruction. Amend RSA 237:2 by inserting after paragraph II-b the following new paragraph:

II-c. Redesign and reconstruct a portion of exit 6 on the Spaulding turnpike at its intersection with N.H. Route 4 and Boston Harbor Road. This project shall not begin until the governor and council authorizes a transfer of a sum not to exceed \$1,000,000 from any funds remaining in projects under RSA 237:7, I as authorized by RSA 237:7, II.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill requires the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from appropriated funds transferred from other highway projects.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1111, an act permitting one-day family fishing licenses upon payment of a certain fee. Wildlife and Recreation Committee. Ought to pass. Senator Wheeler for the committee.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1143, an act increasing the penalties for illegal clamming. Wildlife and Recreation Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1439, an act establishing license and license fee requirements for the taking of sea urchins. Wildlife and Recreation Committee. Ought to pass. Senator Wheeler for the committee.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1509, an act exempting persons participating in an American Water Ski Association event from the wearing of certain personal flotation devices. Wildlife and Recreation Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 734, relative to fireworks.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 734, relative to fireworks.

Senator Roberge moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 690, establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 690, establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees.

SENATOR DISNARD: Senator Colantuono asked the committee Chairman if he could explain what the amendments were and if you would like me to do it, I will? The only changes in SB 690 were the make up of the committee. Two Senators, two House members. One would be a member of the Executive Department of each body and that was the only change.

Senator Disnard moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 534, relative to condominium common assessments.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 534, relative to condominium common assessments.

SENATOR FRASER: The amendment in the House authorizes the unit owners of an Association to vote a 2/3 majority vote to authorize the Board of Directors of the Condominium Association to terminate the delinquent unit owner privileges and services after 30 days' written notice to the unit owner.

Senator Fraser moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 647, relative to compulsory attendance.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 647, relative to compulsory attendance.

SENATOR DISNARD: The only amendment in the House was that the 60 day notice that had to be involved, could be changed at the discretion of the Board. The discussion in the House Education committee was that if someone is going to leave school and has a job, rather than go through the 60 days, the Board has the right enabling legislation to offer a waiver.

Senator Disnard moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 677-FN, relative to paternity.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 677-FN, relative to paternity.

SENATOR PODLES: Mr. President, the amendment does two things. First, it adds the rule making procedure for the director of Health and Human Services for the filing procedure of the affidavit. The second thing that it does is that it extends the hearing date to 45 days of the petition for the hearing, the hearing is filed less than 40 days prior to the date. So that is all that it does, those two things.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 90, relative to child support enforcement and child support payment.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 90, relative to child support enforcement and child support payment.

SENATOR J. KING: There was an amendment there that said that we had RSA 173 or otherwise, and they took out the words 'or otherwise'.

Senator J. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 634, establishing a committee to study and promote the use of non-motorized transportation.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 634, establishing a committee to study and promote the use of non-motorized transportation.

SENATOR MACDONALD: This establishes a study committee and they had added two additional points of focus for the committee to look into. The first, the cost for the bike trails along a distant highway system. The second, specific ways to bring non-motorized transportation to existing transportation networks. It wants more study.

Senator MacDonald moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 527, relative to terms of legislative members of the state board of claims.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 527, relative to terms of legislative members of the state board of claims.

SENATOR CURRIER: The House Executive Departments and Administrations Committee agreed that the members of the state Board of Claims should be allowed to serve a second six year term to insure experiencing continuity of the board. The amendment removes sections two and three of the bill because it was felt that section two of the bill was non germane and it should be dealt with in separate legislation. SB 527 amended by the House, changes the title to read, relative to terms of the legislative members of the State Board of Claims. Additionally, it amends section two, the jurisdiction of the Board of Estate Appeals; and also section three, the effective date. It simply replaced it with a new section which has become the effective date, "The act shall take effect six days from its passage."

Senator Currier moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping.

SENATE NON CONCURS WITH HOUSE AMENDMENT

REQUEST COMMITTEE OF CONFERENCE

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping.

Senator Cohen moved nonconcurrence and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Cohen, Lovejoy, Blaisdell.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 688-LOCAL, relative to redemption of property subject to tax liens for the elderly and disabled.

**SENATE NON CONCURS WITH HOUSE AMENDMENT
REQUEST COMMITTEE OF CONFERENCE**

SB 688-LOCAL, relative to redemption of property subject to tax liens for the elderly and disabled.

Senator Currier moved nonconcurrency and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Currier, Bourque, J. King.

ANNOUNCEMENTS

SENATOR HOUGH (Rule #44): Senator Lovejoy asked me what the Senate would do in recognition of the passing of President Nixon. I have spoken with Senator Delahunty and Senator Disnard, and I have been in touch with the Speaker. It would be the intention of the Chair to cosponsor, with the Speaker, a Concurrent Resolution on behalf of the House and the Senate and the state of New Hampshire, memorializing the passing of President Nixon, and to communicate the message of the New Hampshire legislature. It certainly is appropriate that we pause to reflect the passing of the 37th President, Richard Milhous Nixon who will be buried tomorrow in California. President Nixon had a long and distinguished career as a member of Congress, Vice President, and President of the United States of America. He was the architect of the policy of detente, which marked the turning point in the cold war. He restored diplomatic relationships with the People's Republic of China; and his vision, and wisdom, and his statesmanship, earned him the respect among leaders throughout the world. Interestingly enough, on Sunday, on C-Span, Brian Lamb replayed an interview with President Nixon, wherein he affirmed the necessity for the United States to maintain its competitive edge in a global economy, and he was the first of the free traders. President Nixon's career was marked by controversy, as we all know. But clearly, he was dedicated to public service and has continued to give wise council to President Clinton, in the last many weeks, and would remind us of a President who continued to the end to serve as he could. He was our eldest statesman, and his death will be a loss to the nation and the world. I will be bringing a Concurrent Resolution when we meet next session to be voted on, on behalf of the Senate.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to Third Reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that we recess for enrolled bills reports; and that when we adjourn, we adjourn until Tuesday, May 3, 1994 at 1:00 p.m.

Adopted.

MOTION OF RECONSIDERATION

Senator Blaisdell having voted on the prevailing side moved reconsideration on **HB 1319-FN-A-LOCAL**, an act requiring the state to fully fund the Augenblick formula by FY 1996, whereby we ordered it to third reading.

Motion of reconsideration failed.

LATE SESSION**Third Reading and Final Passage**

HB 377, an act allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments.

HB 1111, an act permitting one-day family fishing licenses upon payment of a certain fee.

HB 1143, an act increasing the penalties for illegal clamming.

HB 1177, an act establishing an advisory committee on child care.

HB 1233, an act making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments and making a plan administrator liable for failing to meet certain employee notification requirements.

HB 1319-FN-A-LOCAL, an act requiring the state to fully fund the Augenblick formula by FY 1996.

HB 1377, an act requiring an optometrist or ophthalmologist to release prescriptions for replacement contact lenses, and setting certain fees for certain out-of-state business registration and renewal.

HB 1439, an act establishing license and license fee requirements for the taking of sea urchins.

HB 1476-LOCAL, an act relative to certain definitions under the environmental laws, municipal liability and the tax sale and lien process, and the liability of owners of hazardous waste facilities.

HB 1509, an act exempting persons participating in an American Water Ski Association event from the wearing of certain personal flotation devices.

Senator Disnard moved that the business of the day being completed, the Senate now be in recess until Tuesday, May 3, 1994 at 1:00 p.m.

Adopted.

Recess.

Out of Recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bills:

HB 134, relative to penalties, definitions, licenses, permits, registration, and rulemaking under the weights and measures laws and repealing the law governing the sale of wood.

HB 388, relative to disclosures by the seller of real property.

HB 1110, relative to the license waiver period for speech and language pathologists, and repealing the sunset review of the administrative attachment of the board of marital mediators.

HB 1184, establishing a committee to study the foreign exchange student programs in New Hampshire.

HB 1188, increasing the penalty for killing a police dog or police horse.

HB 1121, repealing the standardbred breeders and owners development agency.

HB 1211, relative to the authority of municipal water departments and to fees charged by such departments and relative to the Freedom Village Water Precinct.

HB 1226, relative to filling vacancies on the county executive committee.

HB 1288, establishing a state advisory and oversight committee on the education of children with disabilities and in accordance with federal requirements.

HB 1364, changing the renewal date for a license to carry a pistol or revolver.

HB 1410, relative to zoning board of adjustment rehearings.

HB 1498, relative to the type of voting machines which may be used in municipalities.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1157, extending the time for a motion for rehearing under RSA 541.

HB 1413, relative to the report of the public water rights study committee.

HB 1436, exempting vessels in the federal channel from reduced speed requirements.

HB 1453, allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments.

HB 1543, relative to interest from youth development center resident trust accounts, allowing the administrator to establish other accounts, and changing the title of the "bureau of secure care" to the "bureau of residential services."

SB 511, permitting the executive director of the department of fish and game to impose administrative fines.

SB 630, relative to the New Hampshire industrial heritage commission.

HB 410, relative to the appointment of a deputy town treasurer and the swearing in of town officers.

HB 686, relative to the legislative review of proposed administrative rules.

HB 1113, relative to claims filed under RSA 541-B against both the state and an agent of the state.

HB 1222, requiring that recounts of certain secret ballot votes take place at the town or school district meeting.

HB 1244, repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act and repealing certain provisions regarding witness testimony and admissibility of evidence.

HB 1256, allowing probate judges to accept other forms of securities in lieu of bonds from administrators of estates.

HB 1270, establishing a committee to integrate any changes in the municipal budget act into the school district laws.

HB 1392, making a second or subsequent obscenity violation a class B felony and modifying a definition of sexual conduct.

HB 1573, relative to the confidentiality of proceedings for guardianship of a minor.

HJR 21, urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States.

SB 574, relative to credit for reinsurance.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to Tuesday, May 3, 1994 at 1:00 p.m.

LATE SESSION

Senator Disnard moved that we adjourn until Tuesday, May 3, 1994 at 1:00 p.m.

Adopted.

Adjournment.

May 3, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

Lord, remind us that there is a big difference between being ruled by the Golden Rule and being ruled by gold. Teach us the difference between "doing unto others as we would have them do to us" as opposed to doing unto others based only upon the bottom line. Show us always that the Golden Rule is better than rule by gold: in health care, in education, in tax policy, in campaigning, and in our lives. Make Your Golden Rule our insurance policy and protect us from the mistake of buying from anyone else. Amen

Senator Currier led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SENATOR BALDIZAR: Well, Senator Hough said to come right up here and since I have never been up before, I had to jump at the chance. It is kind of nice. I hope that you will join me. I have the pleasure of introducing Sandra Matheson. Many of you in this Senate and in this legislative body, know her, and I am sure, admire her. Sandra is the director of the New Hampshire office of Victims and Witness Assistance. Last Monday, Sandra went to Washington and received a national award. She was one of two hundred people nominated. She came down to the eleven finalists, and President Bill Clinton and Attorney General Janet Reno chose the award recipient, and we are honored that it was our own Sandra Matheson who won this national award for service to victims. She was nominated by Governor Steve Merrill. I want to personally thank him, and applaud him, for his vision in nominating her. She was also supported by the attorney general's office and staff. I hope that you will join me in congratulating her. We have presented Sandra with a Senate Resolution. I think that we are very fortunate. I said, it is wonderful when we can invite the governor and the attorney general into the Senate chamber and celebrate some good news. I thank them both for their support of Sandra and for the program that she directs in the state of New Hampshire. I just want to add some personal remarks. I am finishing my eighth year as a legislator in the state of New Hampshire, and for many of those eight years, I have had the opportunity to work with and learn from Sandra. If there is any good that

comes, if there is any good at all that comes to victims and their families in this state, I guess that I would have to say the one bright spot is that they eventually are led to the path that leads them to Sandy, and she is there to help them. So I want to say a special thank you.

SANDRA MATHESON: I would just like to say that this is as great an honor, to be honored by people in New Hampshire, as it was to be honored in Washington. I owe a great debt of gratitude to the governor, for not only nominating me for this award, but for creating the office in the first place, and for having the vision to hire me, and give me the opportunity to do my work. Also, to the attorney general, Jeff Howard and Dana Bisbee and my staff, Heather Keslar and Linda Juranty for being there all of the time and supporting us. As I said in Washington, this award was not for me. This award is for all of those advocates out there in your counties who are providing services for your victims in your County Attorney's office, and for all of those rape crisis people around the state, and for all of you, in the legislature, who have really been the people who have passed the laws that have put New Hampshire in the forefront when it comes to victims issues. The Judiciary Committee, who have always been so supportive, and all of the other people in New Hampshire. Most of all, I would just like to say that I look at this as being for all of those families and all of those victims's that we have worked with over the years that really deserve the credit. Because it is their loss, and their trauma, and their fight, to create these programs and services that have really made it all worth while. I thank you all, very, very, much.

INTRODUCTION OF HOUSE RESOLUTION

Senator Delahunty **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution #32 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

First and Second Reading and Referral

HCR 32 , Memorializing former President, Richard M. Nixon.

Adopted.

SUSPENSION OF THE RULES

Senator J. King moved that the Rules of the Senate be suspended to dispense with the holding of a hearing, the notice of a committee report in the calendar, and that HCR 32, be put on Third Reading at the present time.

Adopted by the necessary 2/3 vote.

Ordered to third reading.

Third Reading and Final Passage

HCR 32 , Memorializing former President, Richard M. Nixon.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills and Resolution sent down from the Senate:

HB 210, limiting the operation of closed-course competition OHRV's.

HB 599-FN-LOCAL, establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment.

HB 635-FN, relative to social security cost-of-living increases to residents of residential care facilities and community residences and establishing a committee to study the rate structure of residential care facilities.

HB 1147-FN, relative to parental liability for support of dependent children on public assistance.

HB 1207-FN, relative to the administration of small estates.

HB 1216, allowing the exclusion of certain corporate officers and members and managers of limited liability companies from workers' compensation coverage.

HB 1247, allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances.

HB 1272-FN, requiring the pari-mutuel commission to pay for certain laboratory urine tests.

HB 1455, making technical amendments to the business corporations laws and clarifying the limitation of liability of officers.

HB 1581, establishing a committee to study the University of New Hampshire cooperative extension.

HJR 20, urging the U.S. Congress to include certain segments of U.S. Route 2 in the new National Highway System.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Senate Bills sent down from the Senate:

SB 705, providing that in domestic cases there shall be a presumption that it is in the best interest of a child to have regular, unsupervised visits with both parents.

SB 748-FN, creating interagency family assistance teams for at-risk youths.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 522-FN, requiring elected police officers to meet certain criminal history and background requirements.

SB 543-FN-A, requiring that the department of revenue administration conduct an annual ratio study relative to real estate assessments and sales and making an appropriation therefor.

SB 554, relative to insurance information and privacy protection.

SB 611, relative to the penalty for habitual offenders convicted of driving while intoxicated and home confinement.

SB 714, relative to personal flotation devices.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 525, relative to medicare supplemental insurance.

SB 526, relative to risk retention groups not chartered in New Hampshire.

SB 539, establishing a committee to study the issue of exclusivity contracts between health care insurers and health care providers.

SB 555, relative to health insurance which covers family members and making technical corrections to the insurance laws.

SB 562, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license.

SB 564, relative to authentication of municipal and county bonds.

SB 579-FN, relative to group II death benefits under the New Hampshire retirement system.

SB 606, authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies.

SB 695, relative to the financial regulation of life and health insurers.

SB 736-FN-A, relative to the taxation of grantor trusts.

SB 750-FN, relative to the medical examiner and establishing a committee to study the office of the medical examiner.

SB 751-FN, deleting the restriction on the number of hours which part-time assistant attorneys general may work.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 598, an act extending lapse dates of certain appropriations in 1993, 359 (HB 25-A).

SENATE CONCURS WITH HOUSE AMENDMENT

SB 598, an act extending lapse dates of certain appropriations in 1993, 359 (HB 25-A).

SENATOR BLAISDELL: Mr. President and members of the Senate, the House added an extension to the lapse date to the appropriation made in 1993 operating budget for the pilot program eliminating trial de novo Superior Court in Rockingham county and we agreed to that. That is the only thing that the amendment does.

Senator Blaisdell moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 673-FN, an act generally amending certain provisions relating to domestic violence.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 673-FN, an act generally amending certain provisions relating to domestic violence.

SENATOR PODLES: Mr. President and members of the Senate, the House amendment just clarifies the language of the original bill by inserting in section five, paragraph d, the words, 'without gross negligence'. It also removes the word 'similar' under the protective order section and records that section to make the bill much clearer.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 597, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 597, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard.

SENATOR PODLES: Mr. President, all that the amendment does is to change the effective date to upon passage.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 723-FN-LOCAL, an act expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 723-FN-LOCAL, an act expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns.

SENATOR J. KING: The House amendment replaces the bill. What it does now is that it allows the Division of Health and Human Services to work on a way of expanding the Emergency Assistance Program between the locals and the state. Hopefully, to get more federal funding. And it would be done by the division and then they report back to the legislature in the fall.

Senator J. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 730-FN, an act relative to funding for low income and financially disadvantaged utility assistance programs.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 730-FN, an act relative to funding for low income and financially disadvantaged utility assistance programs.

SENATOR J. KING: The House amendment changes the procedure for claiming an abandoned utility claim. The amendment states that they personally claim an abandoned utility deposit which has not been deposited with the financial program, may file a claim and then the claim must be verified with the claimant. If not, the public utility has the responsibility to see that it is carried out.

Senator J. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 604-FN, an act relative to the Medicaid look-back provisions for applicants for public or medical assistance.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 604-FN, an act relative to the Medicaid look-back provisions for applicants for public or medical assistance.

SENATOR J. KING: The House amendment adds a section which allows the Commission of Health and Human Services to adopt rules for compensation of members of the Drug Use Review Board. The board was mandated by the Federal Omnibus Budget Reconciliation Act of 1990 and reviews drug utilizations with an eye towards saving money. Currently, the nine members of the board receive no compensation.

Senator J. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 510, an act eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 510, an act eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops.

SENATOR J. KING: The House amendment simply changes the effective date in the bill.

Senator J. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 576, an act relative to disease control.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 576, an act relative to disease control.

SENATOR J. KING: The House amendment adds a section intended to clarify RSA 141:C-17, Public Health Communicable Disease's purchase and distribution. The amendment allows the director of the Division of Health to purchase and distribute antitoxic serum and vaccines and antibiotics and other pharmaceutical agents in the interests of health. Current law requires the purchase and distribution to be for the treatment and the control of the infectious disease.

SENATOR WHEELER: Senator King, would the House amendment include devices that we took out of the bill in the Senate version?

SENATOR J. KING: No. I will read it again. The amendment allows the director of the Division of Public Health to distribute antitoxic serum and vaccines and antibiotics, immunizing agents and other pharmaceutical agents in the interest of health.

SENATOR WHEELER: Then it is your opinion that this bill does not include authority for the Division to purchase and distribute condoms?

SENATOR J. KING: I would say that I don't read that into it. As you know, we took the words 'devices' out in the previous bill. I would hope that it would not come back in.

Senator J. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 532, an act relative to jewelers' liens.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 532, an act relative to jewelers' liens.

SENATOR FRASER: Mr. President, the current law today is that jeweler's liens could not be activated for 12 months. Following a public hearing in the Senate, we reduced it to 90 days. The House in turn, reduced it to 60 days, providing that there is a 30 day written notice, return receipt requested, sent to the original owner of the jewelry. It is a good bill and we would urge the Senate to adopt it.

Senator Fraser moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 612, an act relative to the electricians' licensing board.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 612, an act relative to the electricians' licensing board.

SENATOR CURRIER: SB 612 brings up to date, some of the changes that have occurred within the Electricians Board and its staff. It also spells out the years of service required by an apprentice electrician. The bill will now require that the applicant for a license of journeyman or master electrician serve between two and four years as an apprentice. This change was requested by the board at the suggestion of the joint committee on Administrative Rules.

Senator Currier moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 613, an act relative to administrative fines for violations of the emergency medical services law.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 613, an act relative to administrative fines for violations of the emergency medical services law.

SENATOR CURRIER: SB 613 corrects an oversight which occurred during the recodification of the Emergency Medical Service laws at the last session. It permits the Director of the Division of Public Health and Services to adopt rules imposing administrative fines for violations of the EMS rules. The amendment clarifies that agencies, as well as persons, are subject to these fines.

Senator Currier moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 658, an act regulating the practice of dental hygiene, including the issuance of licenses and fees.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 658, an act regulating the practice of dental hygiene, including the issuance of licenses and fees.

SENATOR CURRIER: SB 658 establishes the perimeters for the practice of dental hygienist. The hygienists are currently only in regulation. This bill will put into the law, as it is in all other licensed professionals. Both the Dental Society and the Hygienist Association have agreed to the reaffirming of the hygienist practice under the supervision of the dentist. RSA 317:21-A, the practice of limitation. The amendment is, "nothing in this chapter shall be construed to permit independent practice of dental hygienist." Which happens to be one of the biggest bones of contention during the whole proceedings on this dental hygienist bill.

Senator Currier moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 803, relative to land surveyor licensing examinations.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 803, relative to land surveyor licensing examinations.

SENATOR CURRIER: SB 803 was sent to the House subcommittee for additional information based on the public hearing. Both the House subcommittee and the full committee voted unanimously on the amendment which adds clarifying information in the area of credit for completing the requisite years of professional experience. The bill revises the professional examination provision for the land surveyors and requires an applicant who

has failed the exam three consecutive times, those are the people that you don't want to hire, to provide evidence of additional experience, study, or education before being able to take the exam again.

Senator Currier moved concurrence.

Adopted.

COMMITTEE REPORTS

HB 1193, an act amending the charter of St. Mary's Bank. Banks Committee. Ought to pass with amendment. Senator Fraser for the committee.

6225B

Amendment to HB 1193

Amend the title of the bill by replacing it with the following:

AN ACT

amending the charter of St. Mary's Bank and relative to
charter conversions by banks.

Amend the bill by replacing all after section 2 with the following:

3 Charter Conversions. Amend RSA 394-A:10 to read as follows:

394-A:10 [Stock] **Charter** Conversions. As part of the authority granted under this chapter, the commissioner shall adopt rules, pursuant to RSA 541-A, permitting the conversion of [mutual banks and associations] *the charter of any bank, association or credit union into any other type of charter available under state law for a bank, association or credit union, including a conversion of a charter from mutual to stock form.*

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the charter of St. Mary's Bank to require that an annual meeting be held within 120 days after the close of the fiscal year and to change the duties of the credit committee with regard to loan applications.

The bill requires the bank commissioner to adopt rules relative to bank charter conversions.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1203-FN, an act making technical amendments to the banking laws. Banks Committee. Ought to pass with amendment. Senator Fraser for the committee.

6161B

Amendment to HB 1203-FN

Amend the bill by replacing section 12 with the following:

12 Effective Date. This act shall take effect upon its passage.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1265-FN-LOCAL, an act allowing city treasurers to invest money belonging to the city in certain investment instruments. Banks committee. Inexpedient to legislate. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1320-FN, an act regulating commerce pertaining to consumer transactions involving credit reporting agencies. Banks Committee. Ought to pass with amendment. Senator Fraser for the committee.

6269B

Amendment to HB 1320

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Consumer Credit Reporting; Definitions Added. Amend RSA 359-B:3 by inserting after paragraph IX the following new paragraphs:

X. "Firm offer of credit" means any offer of credit to a consumer which will be honored if, based on information in a consumer report on the consumer and other information bearing on the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select the consumer for the offer.

XI. "Pre-screening" means a process by which a consumer reporting agency compiles or edits for a client a list of consumers who meet specific criteria and provides this list to the client or third party on behalf of the client for the purpose of making a firm offer of credit.

XII. "Direct solicitation" means the process by which the consumer reporting agency compiles or edits for a client a list of consumers who meet specific criteria and provides the list to the client or a third party on behalf of the client for use in soliciting those consumers for an offer of a product or service.

2 Use of Credit Reports; Reference Addition. Amend RSA 359-B:4, II to read as follows:

II.(a) A consumer reporting agency may furnish information for the purposes of a transaction under subparagraph I(c)(1) and (5) of this section when the transaction is not initiated by the consumer, only if:

(1) The consumer authorized the consumer reporting agency to furnish the information; or

(2) The transaction involves a firm offer of credit to the consumer or is a pre-screening or direct solicitation transaction; and

(A) The consumer reporting agency has complied with RSA359-B:4-a; and

(B) The consumer has not elected in accordance with RSA359-B:4-a to have information about himself excluded from such transactions.

(b) Notwithstanding subparagraph (a), a consumer reporting agency may, in the case of a credit transaction initiated by the consumer, use such information in reviewing or collecting an account of the consumer or in other circumstances under which a consumer report may be provided under subparagraph I(c)(5), provided there is an ongoing relationship between the user of the consumer report and the consumer.

(c) An election of a consumer under RSA 359-B:4-a shall terminate and be of no force or effect following notice from the consumer to the consumer reporting agency, through the system established pursuant to RSA 359-B:4-a, that the election is no longer effective.

[II.]**III.** Notwithstanding the provisions of [paragraph] **paragraphs I and II**, a consumer reporting agency may furnish an investigative consumer report to the consumer as provided in RSA 359-B:9, III.

3 New Section; Lists. Amend RSA 359-B by inserting after section 4 the following new section:

359-B:4-a Election to be Excluded From Certain Lists.

I. A consumer may elect to have information about such consumer excluded from any transaction not initiated by the consumer under RSA 359-B:4, II, including any list provided by a consumer reporting agency through pre-screening or direct solicitation transactions that are not initiated by the consumer, by notifying the consumer reporting agency by telephone or in writing.

II. An election of a consumer under paragraph I of this section shall be effective with respect to a consumer reporting agency and any affiliate of the agency within 5 business days after the agency is notified.

III. Each consumer reporting agency shall establish and maintain a notification system, including a toll-free telephone number, which permits any consumer, with appropriate identification and for whom the agency has a file, to notify the agency of the consumer's election under paragraph I. A consumer reporting agency that maintains consumer reports on a nationwide basis shall establish such a notification system on a nationwide basis and may operate such a system jointly with any other consumer reporting agencies. Compliance with the requirements of this section by any consumer reporting agency shall constitute compliance by the agency's affiliates.

IV. Any person who uses a consumer report in connection with any transaction not initiated by the consumer under RSA 359-B:4, II shall provide the consumer with a statement displayed in a conspicuous and readable format and type that offers a reasonable procedure for the removal of a consumer's name from marketing lists derived from consumer report information by calling an 800 number or writing to an address provided in said statement.

4 Procedure in Case of Disputed Accuracy. RSA 359-B:11 is repealed and reenacted to read as follows:

359-B:11 Procedure in Case of Disputed Accuracy.

I. If the completeness or accuracy of any item of information contained in the consumer's file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time, but not to exceed 30 days, beginning on the date the appropriate consumer assistance office receives notice of the dispute from the consumer, reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute is frivolous or irrelevant.

II. Within 10 business days after completion of a reinvestigation, the agency shall provide the consumer with written information, free of charge, which includes:

(a) A statement that the reinvestigation is completed.

(b) A consumer report that is based on the consumer's file as that file is revised as a result of the reinvestigation.

(c) A description or indication of any changes made in the consumer report as a result of those revisions.

(d) Notice that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the consumer reporting agency, including the name, business address, and telephone number of any furnisher of information contacted in connection with that information.

(e) Notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information.

(f) Notice that the consumer has the right to request that the consumer credit reporting agency furnish notifications under paragraphs VI and VII of this section.

(g) Notice that the consumer has a right to obtain all information required to be disclosed by state or federal law.

III. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall within 10 business days change or delete such information.

IV. If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than 100 words if it provides the consumer with assistance in writing in clear summary of the dispute.

V. Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary of the consumer's statement.

VI. Following the filing of a statement of dispute pursuant to paragraph IV, the consumer may request that the consumer reporting agency furnish notification to any person specifically designated by the consumer, who has, within 2 years prior to the filing of the dispute, received a consumer report concerning the consumer for employment purposes, or who has, within 6 months of the filing of the dispute, received a consumer report for any other purposes, which contained the disputed information, that the item is disputed and forward to him a copy of the statement provided for in paragraphs IV and V.

VII. Following any change or deletion of information which is found not to be accurate, or the accuracy of which can no longer be verified, the consumer reporting agency, in good faith, shall, upon the request of the consumer, furnish notification within a reasonable period of time to any person designated by the consumer who has within 2 years prior to the change or deletion received a consumer report for employment purposes, or within 6 months prior to the change or deletion received a consumer report for any other purpose, which contained the change or deleted item, that the item has been changed or deleted.

VIII. In conducting a reinvestigation, the consumer reporting agency shall review and consider all relevant information submitted by the consumer with respect to the disputed item of information.

IX. No information shall be reinserted in a consumer's file after having been deleted pursuant to this section unless the person who furnishes the information verifies that the information is accurate. If any information so deleted from a consumer's file is reinserted in the file, the consumer reporting agency shall promptly notify the consumer of the reinsertion in writing or, if authorized by the consumer for that purpose, by any other means available to the consumer reporting agency. As part of, or in addition to, this notice the consumer reporting agency shall, within 5 business days of reinserting the information, provide the consumer in writing:

(a) A statement that the disputed information has been reinserted.

(b) A notice that the agency will provide to the consumer, within a reasonable period of time following a request, the name, address, and telephone number of any furnisher of information contacted or which contacted the consumer reporting agency in connection with the reinsertion.

(c) The toll-free telephone number of the consumer reporting agency which the consumer can use to obtain this name, address, and telephone number.

(d) A notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information.

5 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill makes certain changes in the consumer credit reporting law including:

(1) Allowing a consumer to remove, by telephone or writing, the consumer's name and address from any list provided by a consumer credit reporting agency for the use of pre-screening for offers of credit.

(2) Requiring consumer reporting agencies to investigate disputed information within a reasonable period of time, not to exceed 30 days, and if the information is found to be inaccurate or cannot be verified, it must be deleted in 10 days.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1396, an act limiting the use of information compiled by consumer reporting agencies. Banks Committee. Inexpedient to legislate. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1416, an act relative to liens on manufactured housing. Banks Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1379, an act establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report. Economic Development committee. Ought to pass with amendment. Senator Shaheen for the committee.

6171B

Amendment to HB 1379

Amend paragraph I of section 2 of the bill by inserting after subparagraph (d) the following:

(e) One member nominated by the State Employees Association, Inc., appointed by the governor.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The chairperson of the committee shall be chosen by the committee at its first meeting. The first meeting of the committee shall be called by the first appointed house member and shall be held within 30 days of the effective date of this act. Five members of the committee shall constitute a quorum.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1398, an act establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline. Economic Development Committee. Ought to pass with amendment. Senator Cohen for the committee.

6157B

Amendment to HB 1398

Amend the introductory paragraph of section 1 of the bill by replacing it with the following:

1 Committee Established; Membership. There is established a committee to study the issue of linking the New Hampshire port authority, including those facilities located at the Portsmouth Naval Shipyard, with the Pease International Trade Center by rail or pipeline, or both. The members of the committee shall be as follows:

Amend section 1 of the bill by inserting after paragraph VI the following new paragraphs:

VII. The commander of the Portsmouth Naval Shipyard, or designee, ex officio.

VIII. A representative from Guilford Transportation, appointed by Guilford Transportation, ex officio.

AMENDED ANALYSIS

This bill establishes a committee to study the possibility of linking the New Hampshire port authority, including those facilities located at the Portsmouth Naval Shipyard, and the Pease International Trade Center by rail or pipeline, or both.

SENATOR COHEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1428, an act requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park. Economic Development Committee. Ought to pass with amendment. Senator Barnes for the committee.

6159B

Amendment to HB 1428

Amend the title of the bill by replacing it with the following:

AN ACT

requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Meadows State Park.

Amend the bill by replacing section 2 with the following:

2 Northwood Meadows State Park. Northwood Meadows, a tract of land located in the town of Northwood, New Hampshire, is hereby renamed as Northwood Meadows State Park.

AMENDED ANALYSIS

This bill gives the legislature the authority to name as well as to rename state-owned buildings and formations such as state parks, bridges, mountains, roads, rivers, and bodies of water. An exception is made for real estate acquired by the state by gift or by purchase, when a requirement of the acquisition is that the real estate be named after a particular person or place.

The bill also renames Northwood Meadows, located in Northwood, New Hampshire, Northwood Meadows State Park.

SENATOR BARNES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1109, an act relative to dual enrollment. Education Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1165-LOCAL, an act repealing requirements for a census of disabled students, and providing for additional special education reimbursement for certain pupils. Education Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1212-FN, an act revising the special education mediation provisions to include neutral conferences. Education Committee. Ought to pass with amendment. Senator McLane for the committee.

6264B

Amendment to HB 1212-FN

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1343, an act establishing a study committee to examine the development of interactive communication systems among the public schools in the state. Education Committee. Ought to pass with amendment. Senator Disnard for the committee.

6273B

Amendment to HB 1343

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to examine the development of interactive communication systems among the public schools in the state, and establishing a committee to study the problem of suicide among young people.

Amend section 1 of the bill by inserting after paragraph XIV the following new paragraph:

XV. One member of the nonpublic school advisory council, appointed by the chairperson of the council.

Amend the bill by inserting after section 3 the following and renumbering section 4 to read as 8:

4 Committee to Study Suicide Among Young People Established; Membership. There is established a committee to study the causes of, and possible solutions to, the problem of suicide among young people. The committee shall consist of the following members:

I. Two members of the senate, one of whom shall be a member of the senate education committee, appointed by the senate president.

II. Two members of the house of representatives, one of whom shall be a member of the house education committee, appointed by the speaker of the house.

III. Three high school student council presidents, appointed by the governor.

IV. One member of a parent-teacher association, appointed by the governor.

V. One licensed psychotherapist, appointed by the governor.

VI. The president of the New Hampshire School Boards Association, or designee.

VII. The president of the New Hampshire School Administrators Association, or designee.

VIII. The president of the New Hampshire School Principals Association, or designee.

IX. The president of the New Hampshire Association of School Counselors, or designee.

X. The director of the division of public health services, department of health and human services or designee.

XI. One high school educator, appointed by the National Education Association.

XII. One high school educator, appointed by the American Federation of Teachers.

XIII. The director of mental health and developmental services, or designee.

XIV. The president of the New Hampshire chapter of the American Academy of Pediatrics, or designee.

5 Meetings; Compensation.

I. The first-appointed senator shall call the first meeting within 30 days of the effective date of this act. Subsequent meetings shall be determined by a majority vote of the committee members.

II. The committee members shall choose a chairperson from among their membership.

III. Members of the committee shall serve without compensation, except that all members shall receive mileage at the legislative rate when attending to the duties of the committee.

6 Duties. The committee shall:

I. Examine reasons why children and teenagers commit suicide.

II. Determine if there is any relationship between such suicide and violence in the schools.

III. Examine whether and why New Hampshire has a 40 percent higher suicide rate among young people than any other state.

IV. Determine possible solutions to address the suicide problem including recommended legislation, and ways to assist parents, school staff and administrators, counselors, and any other concerned person in resolving these problems.

7 Report. The committee shall submit a report of its findings and recommendations, including proposed legislation, to the governor, the senate president, the speaker of the house, the senate education committee and the committee on public institutions and health and human services, the house education committee, the committee on children, youth and juvenile justice, and the committee on health, human services and elderly affairs on or before September 1, 1994.

AMENDED ANALYSIS

This bill establishes a committee to examine the feasibility and develop a plan for implementing an interactive communication system among the state's public schools.

This bill also establishes a committee to study the problem of suicide among young people.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Senator Podles in opposition to amendment on HB 1343.

HB 1433, an act establishing a committee to review and make recommendations regarding health education in public schools. Education Committee. Ought to pass with amendment. Senator Disnard for the committee.

6272B

Amendment to HB 1433

Amend RSA 186:67-a, II as inserted by section 1 of the bill by inserting after subparagraph (m) the following new subparagraphs:

(n) One member of the New Hampshire School Boards Association, appointed by the association.

(o) One member of the governor's domestic violence commission, appointed by the chairperson of the commission.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 161-FN-A, an act increasing the membership of the adult parole board. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Bourque for the committee.

6268B

Amendment to HB 161-FN-A

Amend the bill by inserting after the enacting clause the following and renumbering sections 1 and 2 to read as 2 and 3, respectively:

1 Statement of Intent Regarding Implementation. The general court urges the governor and council to appoint members of the adult parole board so that the board's membership represents both sexes and, therefore, better reflects the people of New Hampshire and those persons of both sexes imprisoned in the state correctional system.

Amend RSA 651-A:3, I as inserted by section 2 of the bill by replacing it with the following:

I. There shall be an adult parole board with [5] 7 members. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on the board shall be filled for the unexpired term. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his absence. *In the case of a revocation hearing an attorney of the board shall be present at the hearing.* Board members shall be paid \$50 a day plus mileage at the state employee rate while engaged in parole hearings or administrative meetings.

SENATOR BOURQUE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 639-FN-A, an act establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

6283B

Amendment to HB 639-FN-A

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Board Established. Amend RSA 205-A by inserting after section 24 the following new subdivision:

Board of Manufactured Housing

205-A:25 Board Established; Members; Terms; Chairperson.

I. There is hereby created a board of manufactured housing consisting of 7 members. The members of the board shall be:

(a) Two public members, appointed by the governor.

(b) One member appointed by the governor, from a list of 2 persons nominated by the New Hampshire Manufactured Housing Association.

(c) One member appointed by the governor, from a list of 2 persons nominated by the New England Manufactured Housing Association.

(d) One member appointed by the governor, from a list of 2 persons nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

(e) One member appointed by the governor who is a resident of a manufactured housing park who is not a member of the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

(f) One member of the New Hampshire Bar Association, appointed by the president of such association.

II. Each person shall serve for a 3-year term and until a successor is appointed and qualified, provided, however, that the initial appointments shall be as follows: the 2 public members shall be appointed to 3-year terms, the resident of a manufactured housing park shall serve a 2-year term and the members from the housing associations, the tenants association and the bar association shall serve one-year terms.

III. The chairperson shall be chosen from among the members at the initial organizational meeting and shall serve at the pleasure of the members of the board.

IV. If there is a vacancy on the board, the provisions of RSA 21:33-a and 21:34 shall apply to the public members, as well as to the members appointed pursuant to subparagraphs I(b) through (f).

V. If any member of the board misses 3 consecutive meetings, without cause, the board shall inform the appointing authority in writing and the appointing authority shall appoint a new member to the board within 60 days from the receipt of the written notification.

VI. The board shall hold meetings every 90 days and may meet more frequently as deemed necessary by the board.

205-A:26 Quorum, Disqualification of Members; Compensation.

I. A majority of the board shall constitute a quorum to conduct hearings, and a vote of at least 4 members present and voting in favor shall be required to adopt and approve any matter under consideration.

II. A board member may disqualify himself relative to any matter before the board, or if the board votes that any member has or may have a conflict of interest in any matter before the board, that member shall be disqualified to sit as a board member on the particular matter. The board may hear the matter if it has a quorum. If the board does not have a quorum, the governor shall appoint an additional public member to hear the particular matter pending before the board.

205-A:27 Jurisdiction; Procedure.

I. The board shall hear and determine matters involving manufactured housing park rules, specifically RSA 205-A:2, RSA 205-A:7, and RSA 205-A:8.

II. Notwithstanding any other provision of law to the contrary, the board shall not have jurisdiction over any issues relative to rent or rental increases or jurisdiction over evictions.

III. Nothing in this subdivision shall preclude the right of the board to use the services of a mediator to resolve a dispute involving manufactured housing park rules.

IV.(a) Any resident of a manufactured housing park or any owner of a manufactured housing park may petition the board by filing a complaint with the board and paying a \$25 filing fee which shall be used to defray the costs of the board. Such filing fee may be waived by the board if the board determines that such fee will cause an unfair financial burden on the petitioner. After review of the claim and a decision by the board that the matter has merit and is not frivolous, the board shall schedule a hearing within 60 days from the receipt of the claim. If the board finds the claim to be without merit or to be frivolous, it shall dismiss the complaint and explain in writing to the complainant its reasons for dismissing the complaint.

(b) The board shall serve notice, in writing, of the time and place of the hearing upon all appropriate parties at least 20 days prior to the date of the hearing. Both parties to the complaint may be represented by counsel.

(c) All hearings held by the board shall be held pursuant to RSA 541-A:16-21 unless such proceedings are specifically inconsistent by the provisions of this subdivision. All hearings of the board shall be subject to the provisions of RSA 91-A. The board shall not be bound by common law or

statutory rules of evidence but may admit all testimony having a reasonable probative value. It may exclude evidence which, in the opinion of the board, is immaterial, irrelevant, or unduly repetitious.

205-A:28 Decisions; Judicial Review and Enforcement.

I. When the board makes its decision, an order shall be made in writing and shall include findings of facts. The findings of facts shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The parties shall be notified by mail of any decision or order.

II. A decision of the board may be appealed, by either party, by applying for a rehearing and appealing to the superior court for the county in which either party resides in accordance with the procedures set forth in RSA 677:2-14, inclusive.

III. If no timely appeal is taken pursuant to paragraph II, the decision of the board shall become final. The board shall file a certified abstract of any final decision with the clerk of the superior court in the county of residence of the complainant. The clerk of such court shall enter judgment thereon, and such judgment may be enforced as with any final judgment of the superior court.

205-A:29 Meetings and Records. The board shall hold meetings in Concord, New Hampshire or in any other location deemed appropriate by the board. The records of the board shall be maintained at the office of the consumer protection and antitrust bureau of the department of justice.

205-A:30 Notification and Cooperation Required. The board shall notify the bureau chief of the consumer protection and antitrust bureau, department of justice, that the board may accept and act on written complaints properly forwarded to it by such bureau relative to manufactured housing.

205-A:31 Rulemaking. The board, with the approval of the bureau chief of the consumer protection and antitrust bureau, shall adopt rules under RSA 541-A relative to the administration of this subdivision.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 677, an act relative to the term of office for certain commissioners, deputy commissioners, and assistant commissioners of state departments. Executive Departments and Administration Committee. Inexpedient to legislate. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1120-LOCAL, an act making procedural and housekeeping changes regarding the board of tax and land appeals. Executive Departments and Administration committee. Ought to pass with amendment. Senator Colantuono for the committee.

6265B

Amendment to HB 1120-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

making procedural and housekeeping changes regarding the board of tax and land appeals and relative to the jurisdiction of the board.

Amend the bill by replacing section 2 with the following:

2 Jurisdiction; Equalized Valuation; Time Period for Appeal. Amend RSA 71-B:5, I and II to read as follows:

I. To hear and determine all matters involving questions of taxation properly brought before it. Such matters may be brought before the board at the pleasure of the taxpayer or as otherwise provided by law. In determining matters before it, the board may institute its own investigation, or hold hearings, or take such other action as it shall deem necessary. ***The board shall cease to have jurisdiction in any matter on the date on which a settlement is agreed to by the parties involved.***

II. To hear and determine any appeals relating to the equalization of valuation performed by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII. ***Any town aggrieved by an equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within 30 days of the town's notification of the equalized valuation by the commissioner.***

Amend the bill by replacing all after section 6 with the following:

7 Representation by Nonattorneys; Taxpayer Appeals. Until July 1, 1995, nonattorneys may commonly represent taxpayers in RSA 76:16 and RSA76:16-a appeals before municipalities and the board of tax and land appeals. Nothing in this section shall prevent the board of tax and land appeals from denying representation by any individual it deems to be improper, inappropriate or unable to adequately represent the interests of the taxpayer.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Authorizes the board of tax and land appeals to establish a small claims procedure as an alternative to full hearings for property tax appeals.

(2) Establishes a time period for the filing of an appeal by a town of its equalized valuation as determined by the commissioner of revenue administration.

(3) Allows members of the board of tax and land appeals to have employment other than their employment by the board if such employment is not in conflict with their duties as members of the board.

(4) Clarifies the wording of a statute regarding responses to appeals of reassessments by large municipalities.

(5) Extends the time period for filing an abatement appeal for certain municipalities.

(6) Permits nonattorneys to represent taxpayers in RSA 76:16 and RSA76:16-a appeals until July 1, 1995.

(7) Prohibits the board of tax and land appeals from taking jurisdiction of tax cases in which the parties have reached a settlement.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1186, an act making a breach of confidentiality a violation of oath of office for town officers. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Fraser for the committee.

6250B

Amendment to HB 1186

Amend RSA 42:1-a, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A public body properly voted to withhold that information from the public by a vote of 2/3, as required by RSA 91-A:3, III, and if divulgence of such information would constitute an invasion of privacy, or would adversely affect the reputation of some person other than a member of the public body or agency, or would render proposed municipal action ineffective; or

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1194-FN, an act relative to the board of accountancy and related professional fees. Executive Departments and Administration committee. Ought to pass with amendment. Senator Colantuono for the committee.

6240B

Amendment to HB 1194-FN

Amend RSA 309-B:2, VII as inserted by section 2 of the bill by replacing it with the following:

VII. "Quality review" means a study, appraisal, or peer review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

Amend RSA 309-B as inserted by section 2 of the bill by deleting sections 16-18 and renumbering original section 19 to read as 16.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1248, an act requiring disclosure that a buyer's premium will be charged at certain auctions in New Hampshire. Executive Departments and Administration Committee. Ought to pass. Senator Bourque for the committee.

SENATOR BOURQUE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1263-FN, an act authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Fraser for the committee.

6253B

Amendment to HB 1263-FN

Amend RSA 374:8, II as inserted by section 3 of the bill by replacing it with the following:

II. The uniform system of accounts for regulated utilities established under the provisions of this section shall be exempt from the requirements of RSA 541-A, the administrative procedure act.

The commission shall file, however, in the office of legislative services a copy of all rules adopted, amended or repealed under this section by the commission.

Amend the bill by replacing section 6 with the following:

6 Exemption Added. Amend RSA 541-A:10, I(p) to read as follows:

(p) RSA 268 and RSA 261:72-a, V, relative to motor vehicle emissions[.];

(q) RSA 374:8, relative to a uniform system of accounts for regulated utilities.

AMENDED ANALYSIS

This bill:

(1) Allows the public utilities commission to approve alternative forms of regulation other than the traditional methods based on cost of service, rate base and rate of return.

(2) Exempts the uniform system of accounts for regulated utilities from the requirements of the administrative procedure act.

(3) Exempts foreign telecommunications utilities from the incorporation requirements if they are fully registered with the New Hampshire secretary of state and in compliance with the requirements of the commission.

(4) Expands the rulemaking authority of the public utilities commission, including giving the commission rulemaking authority relating to all utilities law under title 34.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Senators Colantuono and Lovejoy in opposition to HB 1263.

HB 1289-FN, an act allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Colantuono for the committee.

6248B

Amendment to HB 1289-FN

Amend the title of the bill by replacing it with the following:

AN ACT

allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program, and relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners.

Amend the bill by replacing section 2 with the following:

2 Approval of Director Deleted. Amend the introductory paragraph of RSA 316-A:3 to read as follows:

316-A:3 Rulemaking Authority and Practices. The board[, with the approval of the director of public health services,] shall adopt rules, pursuant to RSA 541-A, relative to:

3 New Subparagraph; Civil Penalties Authorized. Amend RSA 316-A:22, III (c) and (d) to read as follows:

(c) By revocation of license; [or]

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he has been found deficient[.]; **or**

(e) By imposing civil penalties for misconduct violations not to exceed \$1,000 for each violation or, in the case of continuing violations, \$100 per day as long as the violation continues.

4 Three-month Time-frame for Hearing Deleted. Amend RSA 316-A:23 to read as follows:

316-A:23 Notice and Hearing Procedure. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. [A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties.] Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

5 New Section; Investigations, Subpoenas and Oaths Authorized. Amend RSA 316-A by inserting after section 23 the following new section:

316-A:23-a Investigations; Subpoenas; Oaths.

I. The board shall have the authority to investigate applicants, misconduct allegations and possible violations of this chapter. The board may subpoena witnesses, administer oaths and subpoena the production of documents in any investigation or hearing held pursuant to this chapter.

II. Licensees of the board shall not be entitled to witness or mileage fees for responding to a board subpoena. The board may serve subpoenas on such persons by certified mail sent to the business address which the licensee has provided to the board. Non-licensees subpoenaed by the board shall be entitled to the fees allowed witnesses in the superior court, but such subpoenas shall be valid for payment only if annotated: "Fees guaranteed by the New Hampshire Board of Chiropractic Examiners."

6 Repeal. RSA 316-A:4, relative to the powers and duties of the director of public health services, is repealed.

7 Effective Date.

I. Section I of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill allows each new legislator-elect to receive mileage for each day the legislator-elect attends the legislator's orientation program. The rate of the mileage allowed is the legislative mileage rate paid to members of the general court.

The bill also provides the board of chiropractic examiners with investigative and subpoena powers, and authorizes the board to impose civil penalties. It allows the board to make rules without the approval of the director of public health services, removes the 3-month time-frame to conduct a hearing, and repeals the section on the powers and duties of the director of public health services relative to rulemaking by the board.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1365, an act clarifying legislative intent relative to municipal ordinances. Executive Departments and Administration Committee. Inexpedient to legislate. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1370, an act allowing certain inclusions in a public utility's rate base. Executive Departments and Administration Committee. Interim study. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

HB 1409, an act authorizing the public utilities commission to adopt rules relative to voluntary construction standards for compliance with increased energy efficiency standards. Executive Departments and Administration Committee. Inexpedient to legislate. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1442-FN-A, an act relative to a real estate transfer questionnaire. Executive Departments and Administration Committee. Ought to pass with amendment. Senator J. King for the committee.

6252B

Amendment to HB 1442-FN-A

Amend RSA 78-B:10-a, I(j) as inserted by section 3 of the bill by replacing it with the following:

(j) The financing arrangements made to purchase the property to be answered at the option of the buyer.

Amend RSA 78-B:10-a, I as inserted by section 3 of the bill by deleting subparagraph (o).

Amend RSA 78-B:10-a, III as inserted by section 3 of the bill by replacing it with the following:

III. No deed, recording a transfer of real estate or any interest in real estate, executed before October 1, 1995, shall be required to comply with this section.

Amend RSA 78-B:10-a as inserted by section 3 of the bill by deleting paragraph V.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1448-FN, an act requiring that certain documents and publications be included in the state depository law. Executive Departments and Administration Committee. Interim study. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

HB 1500-FN, an act defining "out-of-state pharmacy" and requiring the registration of such pharmacies that sell to individuals within the state. Interim study. Senator Currier for the committee.

SENATOR CURRIER: I move the adoption of the committee report of interim study.

Committee report of interim study is adopted.

HB 1050-FN, an act establishing the health care transition fund, making certain appropriations, and clarifying the procedure relative to the uncompensated care administration fund. Executive Finance Division. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 660-FN, an act relative to drug forfeiture. Judiciary Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1104, an act making a person who knowingly causes the death of a judicial officer guilty of capital murder. Judiciary Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1105, an act limiting the suspension of sentences. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1106, an act making a person, who purposely engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault. Judiciary Committee. Ought to pass with amendment. Senator Podles for the committee.

6146B

Amendment to HB 1106

Amend the title of the bill by replacing it with the following:

AN ACT

making a person, who engages in a pattern of sexual assault
against a person less than 16 years of age, guilty of
aggravated felonious sexual assault.

Amend RSA 632-A:1, I-c as inserted by section 1 of the bill by replacing it with the following:

I-c. "Pattern of sexual assault" means committing more than one act under RSA 632-A:2 or RSA 632-A:3, or both, upon the same victim over a period of 2 months or more and within a period of 5 years.

Amend RSA 632-A:2, III as inserted by section 2 of the bill by replacing it with the following:

III. A person is guilty of aggravated felonious sexual assault when such person engages in a pattern of sexual assault against another person, not

the actor's legal spouse, who is less than 16 years of age. The mental state applicable to the underlying acts of sexual assault need not be shown with respect to the element of engaging in a pattern of sexual assault.

AMENDED ANALYSIS

This bill makes a person, who engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.

SENATOR PODLES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1107, an act making crack cocaine subject to greater penalties under the controlled drug act. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6249B

Amendment to HB 1107

Amend the title of the bill by replacing it with the following:

AN ACT

making crack cocaine subject to greater penalties under the controlled drug act and prohibiting the operation of methadone maintenance programs.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-11 to read as 3-12:

2 New Paragraph; Methadone Maintenance Programs Prohibited. Amend RSA 318-B:10 by inserting after paragraph VI the following new paragraph:

VII. No person shall operate a methadone maintenance program in this state. "Methadone maintenance program" means a program designed to substitute the administration of methadone for the illegal use of heroin over a period of time beyond the minimum necessary to resolve physiological addiction to heroin. Nothing in this paragraph shall prohibit a practitioner from administering, prescribing or dispensing a controlled drug under paragraph I.

Amend the bill by replacing section 12 with the following:

12 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill makes crack cocaine subject to greater penalties under the controlled drug act.

This bill clarifies that the quantity of a drug is a material element to a crime; however, the culpability requirement shall not apply to that element of the offense.

This bill also prohibits the operation of methadone maintenance programs.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1134, an act increasing the penalty for criminal threatening and reckless conduct with a deadly weapon. Judiciary Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1227, an act allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts and establishing priority rights as between such victim and the indemnifying entity. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6235B

Amendment to HB 1227

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 120 days after its passage.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1232, an act prohibiting annulments for certain crimes. Judiciary Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Senator Colantuono offered a floor amendment.

6301

Floor Amendment to HB 1232

Amend RSA 651:5, IX as inserted by section 1 of the bill by replacing it with the following:

IX. When a petition for annulment is timely brought, the court shall require the department of corrections to report to the court concerning any state or federal convictions, arrests or prosecutions of the petitioner and any other information which the court believes may aid in making a determination on the petition. The department shall charge the petitioner a fee of \$100 to cover the cost of such investigation unless the petitioner demonstrates that he is indigent or he has been found not guilty or his case has been dismissed or not prosecuted in accordance with paragraph II. The court shall provide a copy of the petition to the prosecutor of the underlying offense and permit them to be heard regarding the interest of justice in regard to the petition.

SENATOR COLANTUONO: Under current law, a person is allowed to annul his/her record of arrest if found not guilty or if the state does not prosecute them. But some courts are making them pay the same \$100 fee to the probation department as a person who is found guilty and actually gets a sentence is charged to have his/her background investigated when filing his/her petition to annul his/her criminal record and sentence. I am taking advantage of the fact that we are revamping this whole law in this bill to correct that problem and to make it clear that the person who is simply seeking to annul an arrest record, after being found not guilty, does not have to pay that \$100. That is all that this does.

Floor amendment adopted.

Ordered to third reading.

HB 1236, an act prohibiting the use of aerosol self-defense spray weapons against a law enforcement officer or in the course of committing a crime. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1237, an act making interference with the duty of a probation or parole officer a crime. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6243B

Amendment to HB 1237

Amend the title of the bill by replacing it with the following:

AN ACT

relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions. Amend RSA 188-F:23 by inserting after paragraph IV the following new paragraph.

V. "State probation-parole officer" means any sworn employee of the New Hampshire department of corrections who is responsible for the supervision of probationers and parolees and who has the authority to arrest for violations of the rules of probations or parole.

2 Powers of Police Standards and Training Council. Amend RSA188-F:26, III-V to read as follows:

III. Establish minimum educational and training standards for employment as a police officer [or], state corrections officer **or state probation-parole officer** either in permanent positions or in temporary or probationary status.

IV. Certify persons as being qualified under the provisions of this subdivision to be police officers [or], state corrections officers[,] **or state probation-parole officers**, and establish rules under RSA 541-A for the suspension or revocation of the certification of such persons in the case of egregious misconduct or failure to comply with council standards, provided that nothing in this subdivision shall be construed to place in the group II retirement system any individual not already eligible for membership under existing state law.

V. Establish minimum curriculum requirements for preparatory, in-service, and advanced courses and programs for schools operated by or for the state or any of its political subdivisions for the specific purpose of training police [or], state corrections **or state probation-parole** recruits or officers.

3 Powers of Police Standards and Training Council. Amend RSA188-F:26, VII to read as follows:

VII. Establish, maintain, certify, or approve institutions and facilities for training police officers [or], state corrections officers[,] **or state probation-parole officers**, and recruits for such positions with approval of the department's board of governors.

4 Probation-Parole Officers; Training Required. Amend RSA188-F:27, I to read as follows:

I. At the earliest practical time, the council shall provide by rule that after one year from the effective date of the rule no person shall be appointed as a police officer [or], state corrections officer[,], **or state probation-parole officer**, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of police [or], corrections **or probation-parole** training appropriate to such person's position at a school approved by the council. No such officer who lacks the educational and training qualifications required by this section may have his temporary or probationary employment extended beyond 2 years.

5 Probation-Parole Officers; Training Required. Amend RSA188-F:27, III and IV to read as follows:

III. The council, by rules adopted under RSA 541-A, shall fix other qualifications for the appointment of police officers [and], state corrections officers[,], **and probation-parole officers**, including minimum age, physical and mental standards, citizenship, good moral character, experience, and other such matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of their offices. The council shall prescribe the means for presenting evidence of the fulfillment of these requirements.

IV. The council shall issue a certificate evidencing satisfaction of the requirements of paragraphs I, II, and III to any applicant who presents such evidence as may be required by its rules of satisfactory completion of a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police [or] corrections[,], **or probation-parole**, as appropriate, education and training programs in this state.

6 New Subparagraph; Probation-Parole Officers Included in Definition of Permanent Policeman. Amend RSA100-A:1, VII by inserting after subparagraph (d) the following new subparagraph:

(e) A probation-parole officer employed full time in the division of field services of the department of corrections who:

(1) Has close and immediate contact with felons on a regular basis;
(2) Is responsible for the prevention, detention, or prosecution of crime and the enforcement of the laws of the state, the orders of the court, and the conditions imposed on probationers and parolees by the court;
(3) Has full arrest powers of all probationers and parolees as provided in RSA504-A;

(4) Has the power to search the residence of a probationer or parolee;
(5) Has close contact with felons prior to sentencing when preparing a pre-sentence investigation that includes a disposition recommendation for the court, and supervision when placed on probation or parole. Investigation and supervision may be conducted in the person's residence, in state or county correctional facilities, in drug centers, or elsewhere;

(6) Has responsibility to return to the courts or to the parole board those felons who violate conditions of probation or parole;

(7) Has responsibility for the intrastate and interstate transportation of fugitive felons;

(8) Is aware that all parolees have served time in prison, and that many probationers have served time in state or county correctional facilities or are on a suspended commitment sentence;

(9) As a job requirement, is fully certified as a probation-parole officer by the police standards and training council after successful completion of a training program, including the use of weapons, approved by the council; and

(10) As a job requirement, meets all physical, mental, educational, and other qualifications for continuing certification as a probation-parole officer that may be established by the certifying authority.

7 New Section; Probation-Parole Officers; Interference with Duty. Amend RSA 504-A by inserting after section 12 the following new section:

504-A:12-a Interference with the Duty of Probation-Parole Officers; Penalty. Any person who obstructs, intimidates, or interferes with a probation or parole officer in the performance of such officer's duties shall be guilty of obstructing government administration under RSA642:1.

8 Application. Every state probation-parole officer who is employed as such on July 1, 1994, and who has been certified as a state probation-parole officer by the department of corrections and approved as a state probation-parole officer by the police standards and training council as of July 1, 1994, shall be considered to be a member of group II of the NewHampshire retirement system on July 1, 1994.

9 Effective Date.

I. Sections 7 and 8 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill adds state probation-parole officers to the definition of "permanent policeman" for the purposes of group II membership in the NewHampshire retirement system.

This bill also makes interference with the duty of a probation or parole officer a crime.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1254, an act relative to the performance of uncompensated public service by persons convicted of crimes. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Blaisdell having voted on the prevailing side move to reconsider **HB 1237**, an act making interference with the duty of a probation or parole officer a crime, whereby we ordered it to third reading.

Adopted.

Senator Blaisdell moved to have HB 1237 sent to Finance.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1292, an act requiring certain disclosure during recruitment by multi-level or network marketing businesses. Judiciary Committee. Inexpedient to legislate. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1349, an act relative to representation of business organizations in small claims court. Judiciary Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1519, an act limiting any pecuniary benefit received by directors and officers of charitable trusts. Judiciary Committee. Ought to pass. Senator Podles for the committee.

SENATOR PODLES: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1525, an act relative to communications that constitute harassment. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6244B

Amendment to HB 1525

Amend the bill by replacing all after the enacting clause with the following:

1 Harassment; Definition Modified. Amend RSA 644:4 to read as follows: 644:4 Harassment.

*I. A person is guilty of a misdemeanor, and subject to prosecution in the jurisdiction where the [telephone call] **communication** originated or was received, if[, with a purpose to annoy or alarm another, he] **such person:***

*[I.](a) Makes a telephone call, whether or not a conversation ensues, without purpose [of lawful communication,] **to annoy or alarm another;** or*

*[II.](b) Makes repeated communications at extremely inconvenient hours or in offensively coarse language **with a purpose to annoy or alarm another;** or*

[III.](c) Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response; or

*(d) **Knowingly communicates any matter of a character tending to incite murder, assault, or arson;** or*

*(e) **With the purpose to annoy or alarm another, communicates any matter containing any threat to kidnap any person or to commit a violation of RSA 633:4; or a threat to the life or safety of another;** or*

*(f) **With the purpose to annoy or alarm another, having been previously notified that the recipient does not desire further communication, communicates with such person.***

II. As used in paragraph I, "communicates" means to impart a message by any method of transmission, including but not limited to telephoning or personally delivering or sending or having delivered any information or material by written or printed note or letter, package, mail, courier service or electronic transmission.

III. In any complaint or information brought for the enforcement of RSA 644:4, I(f), it shall not be necessary for the state to negate any exception, excuse, proviso, or exemption contained therein and the burden of proof of any exception, excuse, proviso, or exemption shall be upon the defendant.

2 Effective Date. This act shall take effect January 1, 1995.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1545, an act relative to disclosure regarding contests and gift giveaways. Judiciary Committee. Ought to pass. Senator Colantuono for the committee.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1161, an act relative to the authority of the state to regulate political advertising which is broadcast. Public Affairs Committee. Inexpedient to legislate. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1318, an act relative to reporting requirements for elected officials. Public Affairs Committee. Ought to pass. Senator Delahunty for the committee.

SENATOR DELAHUNTY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1341, an act requiring delivery of non-subscription publications to cease 14 days after written notification by the recipient. Public Affairs Committee. Inexpedient to legislate. Senator Barnes for the committee.

SENATOR BARNES: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1383-LOCAL, an act relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction. Public Affairs Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1426, an act relative to the placement of candidates' names on the ballot. Public Affairs Committee. Ought to pass with amendment. Senator J. King for the committee.

6201B

Amendment to HB 1426

Amend the bill by replacing all after the enacting clause with the following:

1 Reference to State Representative. Amend RSA 656:6, II to read as follows:

II. In places which are electing *state* representatives [to the general court] from more than one district, there shall also be printed in small but easily legible letters below the phrase "Vote for not more than (here insert a number designating how many persons are to be voted for)," the county, and the number of the representative district for which the person is a candidate, subject to the numerical order required in RSA656:7-a.

2 Printing Question on State General Election Ballot. Amend RSA656:13 to read as follows:

656:13 Questions on the Ballot. Except as provided in RSA 656:14, whenever a question is submitted to voters at a state general election as provided in RSA 663, the question shall be printed on the state general election ballot [below] *following* the offices [column] *columns*. Printed after the question there shall be 2 squares, one with the word "yes" beside it and another with the word "no" beside it.

3 Form of Primary Ballot. Amend RSA 656:23 to read as follows:

656:23 General Form. The state primary election ballot shall be as nearly as practicable in the same form as the state general election ballot[, except that to the right of the name of each office shall be printed the words "Vote for not more than", instead of "Vote for any", and that blank lines for write-in votes shall be placed below the names printed on the ballot].

4 Order of State Representatives Surnames. Amend RSA 656:24 to read as follows:

656:24 Order of Names. With the exception of the office of state representative, whenever there are 2 or more candidates for nomination to the same office, the names of such candidates shall be alternated on the state primary election ballots used so that each name shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs. [Names of candidates for nomination to the office of state representative shall be arranged in the alphabetical order of their surnames.] *The alphabetical order of all the candidates' surnames for the office of state representative shall be determined by the secretary of state once every 2 years, beginning in 1994. At 11:00 o'clock a.m. on the first day of the filing period as provided in RSA655:14, the secretary of state shall hold a public drawing in the secretary of state's office to randomly pick one letter of the alphabet. The secretary of state shall then proceed with listing the surnames of the candidates for nomination to the office of state representative, for each state primary and general election, according to the alphabetical order to be used for that election year. The alphabetical order to be used for that election year shall begin with the letter picked by the secretary of state.*

5 Marking the Ballot; Split Ticket Voting. Amend RSA 659:17, IV to read as follows:

IV. In a state general election, the following instructions to voters for split ticket voting shall be printed on the ballot: If you do not wish to vote for [one political party] *all candidates running in the same party*, make the appropriate mark *opposite the names of the candidates for whom you wish to vote*.

6 New Section; Appropriate Mark Defined. Amend RSA 659 by inserting after section 17 the following new section:

659:17-a Appropriate Mark. For the purposes of this chapter, the term "appropriate mark" shall mean the mark to be used in the proper manner of marking the ballot as stipulated in the instructions to voters.

7 Counting Straight Party Votes. Amend RSA 659:66 to read as follows:
 659:66 Counting Straight Party Vote. If, in accordance with RSA 659:17, a ballot is marked to indicate a straight party vote, but [the name of a candidate for an office in the party column is erased or cancelled and a cross is in the square] ***an appropriate mark is*** beside the name of [another] ***a candidate of a different party*** for [that] ***any*** office, or the name of a person is written on the lines for write-in votes, then the vote so ***appropriately*** marked [in the square] or so written on the lines for write-in votes shall be counted and [a vote shall not be counted for the candidate whose name is erased or cancelled] ***shall override the straight party vote for that office.***

8 Effective Date Changed. Amend HB 449 of the 1994 legislative session by replacing section 14 with the following:

14 Effective Date. This act shall take effect upon its passage.

9 Application. The provisions of this act shall first apply to the state primary and state general election ballots used in 1994.

10 Contingency. If HB 449, "An Act relative to listing candidates on general election ballots," of the 1994 legislative session becomes law, the provisions of sections 1-3 and 5-9 of this act shall take effect at 12:01 a.m. on the effective date of HB 449. If HB 449 does not become law, the provisions of this act shall not take effect.

11 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 10 of this act.

AMENDED ANALYSIS

This bill provides that the alphabetical order of all the candidates' surnames for the office of state representative on state primary and general election ballots shall be determined by the secretary of state once every 2 years, beginning in 1994. On the first day of the filing period, the secretary of state holds a public drawing in his office to randomly pick one letter of the alphabet. The alphabetical order of candidates' names to be used for that election year shall begin with the letter picked by the secretary of state.

The bill changes the form of the ballot used in state general elections relative to references to the term state representative, printing questions on the ballot, marking the ballot for split ticket voting, and counting straight party votes. The bill also changes the form of the ballot used in state primary elections relative to marking the ballot and the general form of the ballot.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1523-FN-A, an act establishing a state veterans' cemetery and making an appropriation therefor. Public Affairs Committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1443-LOCAL, an act relative to town meetings and public hearings in large towns. Public Affairs Committee. Ought to pass with amendment. Senator Delahunty for the committee.

6200B

Amendment to HB 1443-LOCAL

Amend the bill by replacing section 3 with the following:

3 New Sections; Authority of Selectmen to Sell Town-Owned Land; Code Amendments. Amend RSA 41 by inserting after section 14 the following new sections:

41:14-a Sale of Town-Owned Land.

I. If adopted in accordance with RSA 41:14-c, in towns with 10,000 or more inhabitants, the selectmen shall have the authority to sell town-owned land; provided, however, they shall first submit any such proposed sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 10 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to and the selectmen shall have no authority to sell:

(a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

41:14-b Adoption and Amendment of Town Codes and Ordinances. If adopted in accordance with RSA 41:14-c, in towns with 10,000 or more inhabitants, the selectmen shall have the authority to establish, and amend town ordinances and codes after they hold 2 public hearings at least 10 but not more than 14 days apart on the establishment or amendment of the ordinance or code; provided, however, upon the written petition of 50 registered voters presented to the selectmen prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed establishment of or amendment to the town ordinance or code shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 10 days nor later than 14 days after the second public hearing which is held. The provisions of this section shall not apply to the establishment and amendment of a zoning ordinance, historic district ordinance, or building code under the provisions of RSA 675.

41:14-c Adoption Procedure. Towns with 10,000 or more inhabitants may adopt the provisions of RSA 41:14-a or 14-b or both, at any duly warned meeting. Once adopted, these provisions shall remain in effect until specifically rescinded by the town at any duly warned meeting.

AMENDED ANALYSIS

This bill makes the following changes in the municipal laws for towns with 10,000 or more inhabitants:

(1) Every article in a warrant for a town meeting shall be acted upon before final adjournment of the town meeting.

(2) A special town meeting shall be called upon the written application of 5 percent of the registered voters in the town.

(3) Selectmen shall have the authority to sell town-owned land after the proposed sale is reviewed and recommended by the planning board and the conservation commission, and after they hold 2 public hearings on the sale, unless 50 registered voters petition to have the sale placed as an article in

the warrant for the town meeting, and the petition is presented to the selectmen prior to the selectmen's vote. The selectmen shall not, however, have the authority to sell town-owned conservation land, or any part of a town forest. The bill gives the voters of such towns the authority to adopt and rescind the authority granted to the selectmen to sell town-owned land at any duly warned meeting.

(4) Selectmen shall have the authority to establish and amend town ordinances and codes, except for zoning and historic district ordinances and building codes, after holding 2 public hearings, unless 50 registered voters petition to have the ordinance or code placed as an article in the warrant for the town meeting, and the petition is presented to the selectmen prior to the selectmen's vote.

The bill gives the voters of such towns the authority to adopt and rescind these provisions in their town at any duly warned meeting.

SENATOR DELAHUNTY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HCR 22, an act urging Congress to limit campaign spending and to keep unalterable records of its proceedings. Public Affairs Committee. Ought to pass. Senator Barnes for the committee.

SENATOR BARNES: I move the adoption of the committee report of ought to pass.

SENATOR HOLLINGWORTH: Senator Barnes, I understand that this is a bill asking Congress to limit its campaign spending and to keep records. Would you state the reason that you feel it is necessary to do this?

SENATOR BARNES: For a lady who makes such lovely muffins, a tough question. Yes, ma'am. This resolution urges Congress to limit campaign spending and to keep unalterable records of its proceedings. Those who represent us should be aware that many of us object to the way that Congress is run. And it should operate with greater restraint and responsibility. Please join me in supporting this resolution.

SENATOR HOLLINGWORTH: Senator Barnes, doesn't this seem a little strange to you that in New Hampshire we have had two pieces of legislation that this Senate has passed to the House, asking to look into campaign reform. And the House has seen fit to make those pieces inexpedient to legislate. While on the other hand they are asking Congress to do something that it is not willing to do?

SENATOR BARNES: Would you believe, that if you feel so strongly, why don't you put a floor amendment together to put on this?

SENATOR HOLLINGWORTH: Can I table it to do that?

SENATOR BARNES: You certainly can. Oh, I am sorry, I am not the President, you have to ask him when he comes back in a minute. It felt good for a minute.

SENATOR HOLLINGWORTH: I don't think that it would carry the weight because this would not be legislation. Is that not correct?

SENATOR BARNES: That is correct.

SENATOR HOLLINGWORTH: Thank you.

Adopted.

Ordered to third reading.

HB 178-FN, an act relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators. Public Affairs Committee. Ought to pass with amendment. Senator J. King for the committee.

6263B

Amendment to HB 178-FN

Amend the bill by replacing all after section 9 with the following:

10 Attorney General Authorized to Fill Positions. The attorney general is authorized to hire:

I. As of the effective date of this act, one investigator in Group J and one legal stenographer III at labor grade 15.

II. As of July 1, 1994, one investigator in Group J.

11 Division of Public Protection. Amend 1993, 349:1 by replacing PAU 02, 04, 02, 02 with the following:

02 Admin of justice and public prtn

04 Department of justice

02 Division of public protection

02 Consumer protection

	Fiscal Year 1994	Fiscal Year 1995
10 Personal services-permanent	\$120,337	\$141,961
13 Assistant attorneys general	202,121	214,453
14 Investigators	124,223	180,968
20 Current expenses	10,350	17,200
24 Maint. other than build and grounds	500	500
30 Equipment	3,100	0
60 Benefits	96,411	118,243
70 In-state travel	1,000	2,700
Total	558,042	676,025

	Fiscal Year 1994	Fiscal Year 1995
Estimated source of funds for consumer protection		
General fund	558,042	676,025
Total	558,042	676,025

12 Joint Board. Amend PAU, 02, 06, 02, 01 as inserted by 1993, 349:1 as follows:

Insert:

49 Transfers to other state agencies* D \$ 7,086 \$ 21,657

Strike out:

General fund 163,174 168,669

Insert:

General fund 170,260 190,326

* Transfers of money from this PAU shall only be taken from the board of engineers and the board of land surveyors.

13 Chiropractic Board. Amend PAU 05, 01, 08, 01 as inserted by 1993, 349:1 as follows:

Insert:

49 Transfers to other state agencies D \$ 5,000 \$ 5,000

Strike out:		
General fund	25,126	25,193
Insert:		
General fund	30,126	30,193
14 Dental Board. Amend PAU 05, 01, 08, 03 as inserted by 1993, 349:1		
as follows:		

	Fiscal	Fiscal
	Year	Year
	1994	1995

Strike out:		
49 Transfers to other state agencies D	\$ 18,740	\$ 18,740

Insert:		
49 Transfers to other state agencies D	25,825	40,398

Strike out:		
General fund	133,177	138,600

Insert:		
General fund	140,262	160,258

15 Effective Date.

I. Sections 1-8 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, sections 1-8 of which are requested by the board of examiners of psychology and mental health practice, redefines certain procedures applicable to the board of examiners of psychology and mental health practice.

1. The term "certificate holder" is defined and substituted for the term certified members and similar terms.

2. Administrative fines may be assessed for persons other than those subject to discipline under RSA 330-A:14.

3. The cap on administrative fines is increased to \$3,000, and a \$300 daily fine may be assessed for as long as the violation continues.

4. Those eligible to be retained for adjudicatory proceedings are redefined and include "other qualified persons." With limitations, the board may request the governor and council to provide funding for such expenses.

5. In addition to board members, their designees may preside at hearings and issue oaths or affirmations to witnesses. However, at least one board member shall be present.

The bill also adds new duties to the consumer protection and anti-trust bureau of the department of justice, authorizes the attorney general to hire 2 investigators and a legal stenographer, and transfers money from the PAUs for certain regulatory boards to the consumer protection and anti-trust bureau for that purpose.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1116, an act relative to the release of health care data. Public Affairs Committee. Ought to pass. Senator McLane for the committee.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1228, an act recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record. Public Affairs Committee. Ought to pass with amendment. Senator Wheeler for the committee.

6266B

Amendment to HB 1228

Amend RSA 289:5 as inserted by section 2 of the bill by replacing it with the following:

289:5 Cemetery Records. The corporate officer or designee of a cemetery corporation or town cemetery trustees charged with the responsibility of operation and administration of any cemetery under their control shall keep a record of every burial showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot, plot, or part of such plot or lot, in which the burial was made. Such records shall also be kept of every private burial site within a municipality by the owner of the land containing the burial site, and a copy of the information shall be supplied to the cemetery trustees who will maintain the municipal records of such sites. A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee established in compliance with RSA 91-A:4. The location of each cemetery and private burial site may be annotated on the municipal tax map.

Amend the bill by replacing all after section 4 with the following:

5 Applicability. For towns which have adopted RSA 37 prior to the effective date of this act, the town manager shall continue to have the care of cemeteries unless and until a vote is taken pursuant to RSA 289:6, II or III.

6 Effective Date. This act shall take effect 60 days after its passage.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 257-FN, an act establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys. Transportation committee. Ought to pass with amendment. Senator Cohen for the committee.

6245B

Amendment to HB 257-FN

Amend RSA 228:15-a as inserted by section 3 of the bill by inserting after paragraph V the following:

VI. All revenues received by the state pursuant to RSA 82:31, III.

Amend the bill by inserting after section 13 the following and renumbering the original sections 14-16 to read as 21-23, respectively:

14 Transfer of State Portion to the Transportation Fund. RSA 82:31, III is repealed and reenacted to read as follows:

III. The remainder to the transportation fund established in RSA 228:15-a.

15 Distribution of Railroad Tax; Contingent. Amend RSA 228:15-a, VI to read as follows:

VI. *Once the bonds authorized in section 4 of SB 761-A of the 1994 legislative session are issued*, all revenues received by the state pursuant to RSA 82:31, III *not required to service the debt for the program established in SB 761-A of the 1994 legislative session. Once payment of such bonds and notes is completed all revenues received by the*

state under RSA 82:31, III and any balance remaining in the class III railroad and state-owned rail line capital rehabilitation account established in SB 761-A of the 1994 legislative session shall be deposited in the transportation fund.

16 Transfer of State Portion to the Transportation Fund; Contingent. Amend RSA 82:31, III to read as follows:

III. The remainder to the transportation fund established in RSA228:15-a, ***once payment of any bonds and notes authorized under SB761-A of the 1994 legislative session is completed.***

17 State Registration Fee. Amend RSA 375-A:14, II(b) to read as follows:

(b) A single state registration system which will comply with 49 U.S.C. section 11506 and related federal laws and regulations. This authorization includes the authority to set a New Hampshire fee to be charged per vehicle, which shall not exceed [\$10] 7.

18 State Registration Fee. Amend RSA 375-B:17, II to read as follows:

II. Administer and enforce the provisions of RSA 375-B. The commissioner shall adopt rules relative to the administration of RSA375-B. The commissioner may adopt rules relative to a single state registration system which shall comply with 49 U.S.C. section 11506 and related federal laws and regulations. This authorization includes the authority to set a New Hampshire fee to be charged per vehicle, which shall not exceed [\$10] \$7; and

19 State Registration Fee. Amend RSA 376:21, II to read as follows:

II. The commissioner shall administer and enforce RSA 376 and shall adopt rules, pursuant to RSA 541-A, relative to the administration of RSA 376. In addition, the commissioner may adopt rules relative to a single state registration system which shall comply with 49 U.S.C. section 11506 and related federal regulations. This authorization includes the authority to set a New Hampshire fee to be charged per vehicle, which shall not exceed [\$10] \$7.

20 Contingency. If SB 761-A of the 1994 legislative session becomes law then sections 15 and 16 of this act shall take effect at 12:01 a.m. July1, 1995. If SB 761-A of the 1994 legislative session does not become law then sections 15 and 16 of this act shall not take effect.

Amend section 23 of the bill by replacing it with the following:

23 Effective Date.

I. Sections 15 and 16 of this act shall take effect as provided in section 20.

II. The remainder of this act shall take effect July 1, 1995.

AMENDED ANALYSIS

This bill establishes a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys and to cover the state portion of the administrative costs of the department of safety and transportation for common carriers, railroad and aeronautic transit.

The bill consolidates the aeronautics and special railroad and public transit funding sources and includes fees and fines imposed by the bureau of common carriers, department of safety and the state portion of the railroad tax.

This bill lowers the maximum registration fee for common carriers from \$10 to \$7.

SENATOR COHEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1173, an act prohibiting a right turn on red when a walk signal is on. Transportation Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1268-FN-A-LOCAL, an act requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor. Transportation Committee. Ought to pass with amendment. Senator Cohen for the committee.

5504B

Amendment to HB 1268-FN-A-LOCAL

Amend the bill by replacing section 1 with the following:

1 United States Route 3 Improvements. The department of transportation shall construct traffic signals along U.S. Route 3 at the intersections with Central Street and West Bow Street and Central Street and Sanborn Street in the city of Franklin. The department of transportation shall make improvements to U.S. Route 3 at the intersection with Central Street and Kendall Street in the city of Franklin. The department of transportation shall also construct traffic signals and make improvements to U.S. Route 3 at the intersection with Central Street and Clark Road in the town of Tilton.

SENATOR COHEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1420, an act relative to the sale of defective vehicles. Transportation Committee. Ought to pass with amendment. Senator Cohen for the committee.

6254B

Amendment to HB 1420

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the sale of defective vehicles and vehicle leases which are not sales or security interests.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Terminal Rental Adjustment Clause; Vehicle Leases that are not Sales or Security Interests. Amend RSA 261 by inserting after section 23 the following new section:

261:23-a Terminal Rental Adjustment Clause; Vehicle Leases that are not Sales or Security Interests. Notwithstanding any other provision of law, a transaction involving a motor vehicle or a trailer does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires any proceeding initiated for the sale of a defective vehicle to begin within one year following the expiration of the express warranty term or the manufacturer's final repair attempt of the nonconformity which gave rise to the consumer's request that the vehicle be replaced or the money refunded.

This bill also clarifies when a vehicle lease does not create a sale or a security interest.

SENATOR COHEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1539-FN, an act establishing a statewide intermodal transportation planning and improvement program. Transportation Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1266-FN, an act requiring certain property seized by the department of fish and game to be returned if the owner reimburses the department for expenses and pays the required fine. Wildlife and Recreation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1284, an act increasing the restitution amount for illegally taking or possessing certain game. Wildlife and Recreation Committee. Ought to pass. Senator Lovejoy for the committee.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1327-FN, an act establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Cohen for the committee.

6241B

Amendment to HB 1327-FN

Amend paragraphs I and II of section 4 of the bill by replacing them with the following:

I. One house member from the house environment and agriculture committee, appointed by the speaker of the house.

II. One house member from the wildlife and marine resources committee, appointed by the speaker of the house.

SENATOR COHEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1440-FN, an act permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

6280B

Amendment to HB 1440-FN

Amend RSA 214:9-c, IV as inserted by section 4 of the bill by replacing it with the following:

IV. The state treasurer shall establish a separate nonlapsing account within the fish and game fund for each such stamp or permit, to which all fees collected by the fish and game department from such stamps or permits shall be applied. The moneys in these accounts shall be used, in accordance with RSA 212-A:15, exclusively for the implementation of comprehensive management programs, including education, research, protection and management, and are hereby appropriated for said purpose.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1502-FN, an act removing certain reporting requirements for persons who wish to sell venison. Wildlife and Recreation Committee. Ought to pass. Senator Wheeler for the committee.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1535-FN-LOCAL, an act exempting certain vessels from the state vessel registration fee and the boat fee. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Cohen for the committee.

6246B

Amendment to HB 1535-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

requiring fire extinguishers on certain motorboats.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Fire Extinguishers Required for Certain Motorboats. Amend RSA 270-D by inserting after section 3 the following new section:

270-D:3-a Fire Extinguisher Required on Certain Motorboats. No person shall operate a motorboat unless such motorboat is equipped with a fire extinguisher. This section shall not apply to motorboats whose sole means of propulsion is an electric trolling motor.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that motor boats be equipped with fire extinguishers, except motorboats whose sole means of propulsion is an electric trolling motor. Current administrative rule Saf-C 403.05 requires a fire extinguisher on board all motorboats.

SENATOR COHEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1454, an act relative to competitive bidding, and budget, personnel and purchasing procedures in Rockingham county. Executive Departments and Administrations Committee. Inexpedient to legislate. Senator Bourque for the committee.

SENATOR BOURQUE: The bill specifies that Rockingham county commissioners shall have authority over the competitive bidding process for purchases and services on all county departments and authorizes them to establish procedures relating to the budget, personnel and purchasing by appointed and elected county officials. This bill will be applicable to Rockingham county only. Testimony at the hearing stated that there have been conflicts between the county commissioners and other elected officials. The laws dealing with these positions have been established since 1917, but needed to be clarified so that all parties involved will know who is in charge of what. The committee feels that this bill is unnecessary because Rockingham county already has a personnel policy. In addition, employees are treated equally, for example, vacation time in all of the different departments. This bill is a result of problems that arose from the county attorney's office. Many stated that Rockingham needs a county manager and that the commissioner should not be making the day-to-day decisions. That is why we filed inexpedient to legislate.

Senator Hollingworth moved to have **HB 1454**, an act relative to competitive bidding, and budget, personnel and purchasing procedures in Rockingham county, laid on the table.

Adopted.

LAID ON THE TABLE

HB 1454, an act relative to competitive bidding, and budget, personnel and purchasing procedures in Rockingham county.

HB 1225, an act relative to access to medical care. Judiciary Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: What this bill does, is bring existing law and new provisions under one umbrella. It states that the right to personal, private access to health care is fundamental. It also defines a pattern of conduct, a continuity of purpose, and that is intimidation, which has been defined in law since 1971. It defines interference and intimidation directed at an individual or at an individual's family which is intended to prevent the individual from, or punish the individual for, participating in the provision of or receipt of lawful medical services. It also protects the right to protest. There has been some misinformation that it interferes with the right to protest. It does not interfere with the right to protest at all. It stops what is spreading across this country and that is increased violence and intimidation against the providers and the patients of medical clinics. There has been an increase in clinic violence, out-of-state groups, out of the main-

stream, extremists groups, who turn to violence out of frustration. These are not the mainstream anti choice groups, these are extremist groups. People are currently fearing for their safety. There have been threats made. This legislature has a responsibility to protect and guarantee the right of privacy and the right of free speech and to maintain a civil society. There is not a fine line here. Protesting is not intimidation. Obstruction of fundamental rights does not equal free speech. Rendering the health facility unusable does not equal free speech. It is needed because there have been recent cases. There have been a lot of headlines about increased violence against medical clinics. There has been a wanted poster, basically, sent out against one particular individual who happens to work at a health center in my district in Greenland. This is intimidation. We have a statement recently, by a person who is in jail under other statutes saying, "I think that pretty much the sit-in movement is done, we are out of the picture, and those who use force are in." That is why this bill is necessary. Because those who use force are in. There is a great deal of precedence for this. We have protection for hunters, we have protection for fishermen, we have protection for legislators. Current laws are not sufficient. There may be current laws on the books which have been used in some cases, but they do not fit the crime. We need to make the punishment fit the crime. Current laws are not good enough. Who supports this bill? Well I can tell you that the Greenland Police Department supports this bill, I spoke with them this morning. The Feminist Health Center in Greenland, right next to the police department. One of the sergeants there told me that the problem will escalate and it has, nationally. He said that the opinions on this matter are not the issue. He hopes HB 1225 will pass and that it will be a useful tool to the police in keeping the peace. The Medical Society supports it. The Portsmouth Herald supports it. If I may briefly quote, "Women have a right to legal medical services. They also have a right to those services without fear of violence and harassment. This bill sends a message to those who believe that violence is justified. The message is that they can't get away with it in New Hampshire." Foster's Daily Democrat, "It is one thing that they decry abortion at the clinics where the procedures are performed, but quite another to hound clinic workers where they live. In determining the appropriateness of the protest, it is also important to consider intent." The people who went to Vicky Smith's house to harass and intimidate her, did so as they say, to intimidate. Their goal is to scare abortion clinic workers into quitting. Across the country, anti abortion protest has become increasingly mean spirited and violent. It is a tragic day when those who oppose abortion turn to stalking, but that is what's happened and that is why this bill is necessary.

SENATOR BARNES: Senator Cohen, I heard you quoting from the Foster's Daily Democrat and I think that what I heard you talk about was the picketing that went on at a person's home, quite a way from the clinic that happened a week or two ago. I don't see anything in this bill that says that they can't picket somebody's house?

SENATOR COHEN: No, but they cannot intimidate people. Protest is one thing, but to intimidate people, to go into their neighborhoods.

SENATOR BARNES: Yes, but I don't see that in the bill. Is that in the bill?

SENATOR COHEN: Intimidation has been defined.

SENATOR BARNES: What page is that on, please?

SENATOR COHEN: Intimidation is in the bill. It doesn't specifically say that they can't go into somebody's neighborhood, no. But they use the word intimidation and intimidation is covered. We do have a definition of intimidation, it has been put into law since 1971 and it has been used.

SENATOR BARNES: But would you agree, that this item that you read out of the Foster's Daily, as far as picketing that persons home, is not included in this particular HB 1225?

SENATOR COHEN: I would not accept that. It is not specifically mentioned in this bill, of course not. But, intimidation is what we are trying to deal with, scaring people is what we are trying to deal with.

SENATOR BARNES: Thank you, Senator.

SENATOR COLANTUONO: The Judiciary committee split 3 to 2 on this bill and as one of the votes against this bill, I just want to express our opinion as to why the bill is unnecessary. I believe that you all have before you, a letter from William Lyons, the Chief of the Criminal Justice Bureau, explaining how each and every substantive measure in this bill is already covered by the current criminal code. I don't believe in passing unnecessary laws. I think that this bill amounts to an unnecessary law, because everything in it is already covered. In addition to what we already have in statute, we just passed the harassment bill today which speaks about verbal harassment, and telephone harassment, so there is even additional precedent. Attorney Lyons also mentions in here that there is some vague language that could leave the law open to a constitutional challenge. There is also a federal bill pending that is very similar, so that in addition to all of the state laws that we have against these, it could also be a federal case, pretty soon, if Congress passes that bill. So for those reasons and certainly, as we all know, from reading the newspapers, that we have people in jail right now for violating current laws as these clinics and the current laws are very adequate. The Rockingham County Superior Court has an injunction relating to Greenland. There have been successful criminal prosecutions relating to what has happened in Greenland and in Concord. So why is this bill here? Is it just one particular group flexing their political muscle, I don't know. I just don't think that it is necessary and I think that we need to make a statement here as a matter of general policy, that we shouldn't pass unnecessary legislation. Thank you.

SENATOR COHEN: I believe that I heard you say, "I don't believe in passing unnecessary laws," is that correct?

SENATOR COLANTUONO: That is correct.

SENATOR COHEN: Right now, it is against the law to assault a police officer. Earlier today, we heard HB 1236, an act prohibiting the use of aerosol self defense spray weapons against a law enforcement officer in the course of committing a crime. How did you vote on that?

SENATOR COLANTUONO: I voted for that, Senator, and I think that the assault statute doesn't necessarily cover using a spray weapon, but that spray weapon law that we just passed, clarifies any question that there might have been about that law.

SENATOR COHEN: Would you believe, that the attorney general's office said that disorderly conduct covers some of the offenses here? The disorderly conduct is a minimal crime. I don't believe that the punishment fits in this. We are talking about people's rights, constitutional rights, to personal, private, medical access. This is far more serious. These people are taking away liberties. Would you believe?

SENATOR SHAHEEN: Senator Colantuono, have you ever been harassed as you were trying to get to the doctor?

SENATOR COLANTUONO: I don't believe that I ever have.

SENATOR SHAHEEN: Well, I can tell, Senator Colantuono, that I have. Because I get my health care from the Feminist Health Center. It is very frightening to go through a line of people who are very intimidating, who act like they are really . . . you don't know if they are going to try and hit you, if they are going to grab you, who are hollering things at you. I don't think that any woman, I don't think that anybody, ought to be subjected to that. I certainly don't think that any woman who is trying to get to health care, to see her physician or nurse practitioner, ought to have to deal with that. I believe that anything that this legislature can do to make sure that that kind of intimidation and harassment doesn't go on, is important for us to do.

SENATOR WHEELER: Senator Cohen, would you support similar legislation for other groups of people? Let's say for Clam Shell Alliance harassing and intimidating workers at Seabrook a few years ago? Would you support legislation like that or would you support some other legislation, let's say against labor who pickets and intimidates or maybe goes to management's houses during a strike?

SENATOR COHEN: Senator Wheeler, I am very glad that you asked that question. There is a very significant difference, in my opinion, between having access to medical care, being free from the kinds of threats that Senator Shaheen just talked about. Having a basic right denied. Having people threaten you with violence. There is a very big difference there. There is a difference between protesting, exercising your right to civil disobedience and crossing the lines. It is not a very fine line. It is a very significant line. It is very easy to define when you cross the line and are intimidating people. If anybody is intimidating anybody individually, of course, that should be punished. But this is a special case because it is medical care. People have a doctor-patient protection there. They have that confidentiality. This really threatens that. A very, very basic right; and therefore, this does deserve very special protection and more severe penalties for people who especially outside, out-of-state people who cross state lines, specifically intending on threatening people with violence.

SENATOR WHEELER: I want to make sure that I understand what you're saying, correctly, Senator Cohen. Hopefully, you can clarify this for me. But what you are saying is that a woman's right to go to an abortion clinic without having things shouted at her, is more important than management's right to get to work without things being shouted at them?

SENATOR COHEN: I am afraid that you are misunderstanding my point. I am sorry. Perhaps I haven't made it clear. We are not talking about shouting out at people. We are talking about causing people to fear for their safety. A man or a woman, that is what we are talking about here, in terms of medical access. Taking care of your own body without having your personal safety threatened. There is a very big difference. I am sorry if I hadn't explained that previously.

SENATOR WHEELER: If that situation were to exist in a labor union strike, or for other reasons, would you support a bill against that group of people?

SENATOR COHEN: If the management or labor is involved in seeing their medical doctors, absolutely.

SENATOR HOLLINGWORTH: This was one of the longest bills that we had to deal with this season in Judiciary. It went on for a quite a few hours. The House acted very favorably on this and they had the same kind of a hearing. The vote in the House was 258 to 79. The committee's vote was 14 to 5. One of the members on the committee said, "I am pro life, but I am going to vote for this bill because when I think of what is going on at

these clinics and I don't like violence." This bill was brought about because nationally, there has been, as you all know, violence. In fact, there have been shootings and deaths with people trying to receive access to health care clinics. Last year in 1993, 22 states enacted legislation for access to clinics. So this bill is not as some would like to make it, a pro life or pro choice. This is a right to be free and not to be threatened by violence. It does not infringe in any way, on the rights that you now have to protest, to stand in front of a place and hold a placard, to say anything that you like. What it does is to prevent somebody from using acts of violence to intimidate or to threaten people. Last week, I received on my answering machine, not even directed at me, so they didn't even have the courage to speak to me personally, but on my tape, a man who basically threatened me for my positions on some of these bills and told me that in a matter of time that I was going to get mine. You know, that is pretty scary when you listen to it. You don't have a name, you don't know whether this person is serious or whether he is just angry. If I were to be employed by a health care clinic and have to have this day after day, have people follow me home, threaten my children, follow my kids to school, it means that they would no longer be able to do their job. I think that when we have a law that is legal in this nation and it is legal in this nation now, to have an abortion, and to go to a place where abortions are performed even if you're not there for that service, you're just going there for some other service, because they do perform other services. To me, this is wrong. I think that this piece of legislation is the answer to it, the answer to the fact that it is covered under other law. We had people from law enforcement who endorse this legislation. We had people from the Medical Association and there is a letter here from them saying that they support the legislation because they support the right of access to medical care and they are opposed to any action against a medical provider or a medical facility, including abortion clinics and family planning centers, that interferes with patients' access. It is clear that even some of our prosecuting attorneys have spoken in support of this. They are saying that this legislation is the right thing to do, and that it brings all of the legislation together in one place so that there is protection for those people who go to health care medical clinics and for those people who are employed at it. I would ask for an ought to pass on this bill.

SENATOR COLANTUONO: Senator Cohen, I noticed at the bottom on page two of this bill, something that I don't think that I have ever seen in any other criminal law. It says that, "a person convicted of violating this section may be ordered to reimburse public agencies for all reasonable costs incurred in responding to the violations, including but not limited to salaries of law enforcement and other emergency personnel." Are you aware of that section in any other criminal law that we have in this state?

SENATOR COHEN: You realize that's after a second offense? I think that that is one of the strong points of this bill, actually. It is that it does give the police some compensation for the extra work that they do and I think that is an important part of the bill. I am very appreciative that you brought that part out.

SENATOR COLANTUONO: Is it your understanding that that section d, only applies to a person after a second offense?

SENATOR COHEN: Yes.

SENATOR COLANTUONO: I heard Senator Hollingworth say, "that you can still say anything that you want." But, I thought that I heard you say that, "if you are verbally intimidating somebody, then you can be guilty." So my question to you is, which is it?

SENATOR COHEN: It is the question of crossing the line. It is a question of bringing civil protest, of stating your anger and being personally intimidating at an individual. We have intimidation laws on the books already. They were put in there by the attorney general, Warren Rudman. The bill further says that, "this section shall not apply to speech or expressive conduct protected by the first amendment." As this body certainly knows, I am strongly supportive of all first amendment rights and would do nothing to interfere with the exercise of those first amendment rights.

SENATOR COLANTUONO: Getting back to section d that we are speaking of. How would you interpret how a person is going to be assessed these costs? There is no guidance in the bill and it doesn't say who will make the decision. I am concerned about this because it is a novel approach to the criminal law. What is your understanding of how it is going to work?

SENATOR COHEN: I think that it is appropriate to leave that to the courts. Question is on the committee report of ought to pass.

A roll call was requested by Senator Wheeler.

Seconded by Senator Podles.

The following Senators voted Yes: Lamirande, W. King, Fraser, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, Russman, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, J. King, Bourque, Delahunty.

Yeas: 13 - Nays: 10

Adopted.

Ordered to third reading.

HB 1242, an act establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire. Public Affairs Committee. Ought to pass. Senator Bourque for the committee.

SENATOR BOURQUE: There was no opposition to this bill. Undoubtedly, the most powerful argument that proponents cited was a federal mandate instructing that all states utilize the metric system by 1996 or risk losing \$70 million in federal highway funds. The proponents of the bill assert that the metric system is easier to understand and use than the English system. Additionally, the United States government is the only industrialized nation that still uses the English system. If our children can apply the metric system, they will be more competitive in the global economy. Additionally, the teaching and encouraging the use of the metric system, proponents speculate that this may save education funding in the long run, as no one will have to re-train people in the system. The state of New Hampshire which will lose \$70 million in federal highway funds, I think, is a very important point. I also would like to say that the use of the metric system was passed by the Congress and it was also an executive order from the former President Bush's administration. I think what people will feel is going to be a problem, from the governor's office, seems to be the funding of signs that need to be changed to comply with these regulations upon miles per hour to kilometers per hour. There appears to be federal monies for the signs on federally funded roads and highways. They're working with U.S. Congress to obtain funds for the local level since this will be the most burdensome. It is likely that funds will be made available for the local level.

Currently, there is no time table to change the signs over so that there is an opportune time to work with Congress to secure these funds. And if anybody would like to look at the piece of legislation, it just establishes a committee to develop methods to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire.

SENATOR BARNES: Senator Bourque, could you tell us how many states in these United States have the metric system?

SENATOR BOURQUE: That did not come up in the testimony, so I couldn't tell you that right now. But all states in 1996 will have to have a metric system put into place or some funding.

SENATOR BARNES: Would you believe, that if that is the case, if that is really the case, the federal government is going to save an awful lot of money because none of the fifty states will have any money coming to them in the year 1996?

SENATOR BOURQUE: Would you believe, that this bill says twelve forty two and that there is no money appropriated to this bill?

SENATOR WHEELER: I will be very brief, but I wanted to point out that this bill does set up a study committee to encourage the adoption of the metric system, so that in essence we are taking a position to adopt the metric system. I would also like to point out one ultimate aspect of the bill, and that is if the state of New Hampshire decides to change to kilometers on all of its federally funded roads, that leaves all of the cities and towns to either go by the current system and then we would have two standards of speed limits or it would be an unfunded mandate on the cities and towns to change all of their speed limit signs to the metric system. For that reason, I am in opposition to this bill.

SENATOR BOURQUE: Would you believe that speedometers also have both methods on your dash boards? So we are in training already?

Question is on the committee report of ought to pass.

A roll call was requested by Senator Wheeler.

Seconded by Senator Baldizar.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Lovejoy, Currier, Roberge, Baldizar, Pignatelli, Colantuono, McLane, Podles, J. King, Russman, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: Disnard, Blaisdell, Wheeler, Barnes, Delahunty.

Yeas: 18 - Nays: 5

Adopted.

Ordered to third reading.

HB 1325-FN, an act requiring the publication of an AIDS/HIV handbook. Public Affairs Committee. Ought to pass. Senator Baldizar for the committee.

SENATOR BALDIZAR: HB 1325 directs the State Board of Education to work with the Division of Public Health and Services and the Department of Education to publish and distribute an HIV handbook. All information in the handbook shall be consistent with that provided by the National Commission on AIDs and the Center for Disease Control. An abstract of each reference cited in the handbook shall be included. This bill simply clarifies

the intent of the legislature. The Board is already required to develop and distribute AIDS/HIV information to local school boards and educational training institutions. However, HB 1325 instructs the board to solicit the input of outside experts for the AIDS/HIV handbook. The legislation is in response to the efforts of the Board of Education to revise the existing AIDS/HIV handbook without the involvement of outside experts such as the Division of Public Health and replace the abstinence curriculum with one which teaches abstinence only. The abstinence based curriculum includes discussion of such items as birth control and what does and does not constitute AIDS risky behavior. This bill passed the House Health and Human Services and Elderly Affairs Committee 17 to 0. It passed the House Appropriations 16 to 1. I urge you to join with the majority of the Public Institutions, Health and Human Services committee, as well as the New Hampshire School Nurses Association, NEA New Hampshire, the Granite State AIDS consortium and the Division of Public Health and support HB 1325.

SENATOR LOVEJOY: Senator Baldizar, could you clear up, I listened intently, but I think that I missed some of your report. Am I correct in understanding that you said that there is a book already published? Is that correct?

SENATOR BALDIZAR: That is correct.

SENATOR LOVEJOY: And did I understand you correctly, to say that it is published by the state board of education?

SENATOR BALDIZAR: That is correct. The State Board of Education.

SENATOR LOVEJOY: Did I understand you correctly to say that it was only abstinence based?

SENATOR BALDIZAR: The original publication was.

SENATOR LOVEJOY: What about the publication now being distributed?

SENATOR BALDIZAR: That is the revised edition which would include more extensive information.

SENATOR LOVEJOY: What is being distributed now? Do I understand that this might be a way of saying that we disapprove of what is being handed out now and we want to put in something that we approve of?

SENATOR BALDIZAR: Senator, it is my understanding, that we are not currently distributing anything. So if I gave you the impression that we were distributing something right now, we are not.

SENATOR LOVEJOY: I will save the question for someone else doing it, and perhaps Senator McLane may be able to explain it to me.

SENATOR BALDIZAR: We are revising it and developing it currently, but it is not being distributed at the moment.

SENATOR WHEELER: Thank you, in the interest of Leo I will be very brief. This bill clearly undermines our State Board of Education in their position that they have taken on abstinence based sex education. The State Board is currently developing a good abstinence based sex education policy. It is really abstinence based, it is not just another abstinence based program where they talk about abstinence for five minutes and then go on telling the children that we know that you can't control your animalistic sexual desires so let's do this, this and this and make sure that you have everything that you need. We heard testimony at the Senate Health and Human Services committee hearing. They told us that the State Board of Education's plan doesn't go far enough. I asked them why? They said it was

because the State Board of Educations plan does not teach children how to use a condom. I think that the State Board of Education has chosen the right aids in abstinence based policy and that we should support them because they support the students who truly want to abstain while giving information which is needed. Thank you.

SENATOR MCLANE: I think that it is very important to point out again, that this bill passed Health and Human Services and Elderly Affairs 17 to 0 and passed Appropriations 16 to 1. Last year, the State Board of Education looked at the handbook that had been produced by Public Health and by the Center for Disease Control in Atlanta. They revised it. They revised it by taking out 17 pages of the handbook and leaving only abstinence information. They did not incorporate or solicit efforts from either the Department of Education or the Division of Public Services, who has created the 1990 handbook. The handbook followed the dictates of the legislature in 1990, stressing abstinence and avoidance of drugs as the best way to avoid HIV. It met the guidelines of the Center for Disease Control and therefore, was funded by the Center for Disease Control. I believe that this bill merely restates what the legislature said before and it is a very, very, important point, that when you are dealing with a topic such as HIV/AIDS, that you have to deal with it in a realistic and scientific point of view. That is all that this bill asks and I would urge you to go along with those two good committees in the House and pass the bill.

Question is on the committee report of ought to pass.

A roll call was requested by Senator Wheeler.

Seconded by Senator Baldizar.

The following Senators voted Yes: Lamirande, W. King, Currier, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Russman, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, Bourque, Delahunty.

Yeas: 12 - Nays: 11

Adopted.

Ordered to third reading.

HB 1378, an act allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards. Public Affairs Committee. Ought to pass with amendment. Senator McLane for the committee.

6276B

Amendment to HB 1378

Amend the title of the bill by replacing it with the following:

AN ACT

allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards, authorizing a New Hampshire Pearl Harbor survivor special number plate, and authorizing hospice staff members to administer medications.

Amend the bill by replacing all after the enacting clause with the following:

1 Placards Available to Individuals and Nonprofit Agencies Serving Walking Disabled. Amend RSA 261:88, V to read as follows:

V. Upon application, the department shall furnish a hanging windshield placard without charge to a person with a walking disability who satisfactorily furnishes proof of such disability to the director. ***Any nonprofit***

agency serving a person with a walking disability may apply to the department for a hanging windshield placard. An applicant for such placard shall furnish the director with satisfactory proof, as the director may require, that the applicant will use the placard solely for the transportation of a person with a walking disability. The quantity of placards issued under this paragraph shall be at the discretion of the director. This placard shall meet the standards set forth in 23 C.F.R. Part 1235, Appendix A. The removable windshield placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. [The] *A request from any nonprofit agency for a placard shall be approved by the administrator of the nonprofit agency and any other* application for such a placard shall be accompanied by the certification of a licensed physician that the applicant meets the definition set forth in paragraph I of persons with walking disabilities. The placard shall expire 3 years from the date of issuance, and the expiration date shall be noted on the placard. The placard shall be renewed, upon application on forms provided by the director, if the director determines that the disability which necessitated the issuance of the placard continues. Upon request of the applicant, the director shall issue one additional placard to the applicant if the applicant does not have special license plates.

2 Section Heading Changed; Pearl Harbor Survivors Added. Amend the section heading of RSA 261:86 to read as follows:

261:86 Special Number Plates for [Motor Vehicles for Amputee, Paraplegic, Totally] Disabled Veterans [and], Purple Heart Recipients *and Pearl Harbor Survivors.*

3 Pearl Harbor Survivors Added. Amend RSA 261:86, II to read as follows:

II. The director shall design and issue, with the approval of the commissioner, number plates to be used on motor vehicles owned by recipients of the Purple Heart medal *or to Pearl Harbor survivors.* The director shall make one set of such plates available to any person who was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances *or to any Pearl Harbor survivor provided that such person has furnished the director with a letter signed by the chairperson of the New Hampshire Pearl Harbor Survivor's Association.* The plates shall be issued upon payment of the regular registration and number plate fees. For the purpose of this paragraph the director may utilize a number plate type issued under the provisions of this title with whatever modifications are necessary. Notwithstanding RSA 265:73 or any other law, any person who is issued a number plate under this paragraph shall not be entitled to free parking privileges provided for disabled veterans.

4 New Paragraph; Administration of Medications by Hospice House Staff Members. Amend RSA 326-B:17 by inserting after paragraph VIII the following new paragraph:

IX.(a) The administration of medications by any person employed or under contract to provide direct care to residents of a hospice house as defined in RSA 151-C:2, XIX-b and licensed under RSA 151 and rules adopted under that chapter as a hospice house under the supported residential care level of care by the New Hampshire department of public health services who:

(1) Is an employee of, or under contract with, a hospice house duly licensed by the division of public health services; and

(2) Has successfully completed a medication administration program approved by the board of nursing and conducted by a registered nurse licensed under this chapter. The board of nursing shall adopt rules, pursuant to RSA 541-A, relative to the criteria for the medication administration program and the process of approval for a registered nurse to conduct the program.

(b) The authorization granted by subparagraph (a) shall be limited to the administration of medications:

(1) When authorized by a registered nurse who has conducted an assessment of the resident and evaluated the medication order and medications prescribed for the resident;

(2) By a route other than injection, except for subcutaneous injections when the person administering the medication and the resident receiving the medication have been authorized by a registered nurse; and

(3) To residents of a hospice house to which the person administering the medication is regularly assigned.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows nonprofit agencies serving disabled persons to apply for walking disability placards to be used when transporting a person with a walking disability.

This bill authorizes the department of safety to issue motor vehicle number plates to veterans who are Pearl Harbor survivors.

This bill also authorizes certain hospice house staff members to administer medications under certain circumstances.

SENATOR MCLANE: I was unaware that there was any problem with this bill. I have written down that someone wanted to table it for an amendment. But as far as the bill itself goes, it is motherhood and apple pie. Oh, if my Chairman says that we have to table it, then we have to table it.

Senator Blaisdell moved to have **HB 1378**, an act allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards, laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1378, an act allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards,

HB 1483, an act implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. Public Affairs Committee. Inexpedient to legislate. Senator Wheeler for the committee.

SENATOR WHEELER: HB 1483 would allow anyone over the age of 18 to purchase up to 10 hypodermic needles without a prescription. It would require pharmacists to dispense information about safe disposal and drug addiction with every needle purchased. The majority of the Public Institutions, Health and Human Services committee, believes that this bill simply goes too far and that it should be voted inexpedient to legislate. First, HB 1483 allows citizens of New Hampshire to believe that their elected legislators condone illegal drug use. This is not the message that, we, in Concord, should be sending to our constituents. Second, this bill is burdensome to pharmacists. They would be required to dispense safe disposal and drug addiction information with every needle purchase, even to diabetics

and those who use needles for medical reasons. Requiring pharmacists to presume that every person purchasing a needle is in need of information on treatment of drug addiction and is offensive and may alienate legitimate patients from their pharmacy, not to mention the added costs to the pharmacists. Third, HB 1483 increases access to needles for minors. pharmacists are asked to police and to determine who is old enough. They would be required to ask for identification. How can pharmacists, untrained in the subtleties of fake i.d.s, know which are genuine and which are not? Most importantly, this bill is likely to create a black market for needles. Profit seekers will cash in by selling needles to minors and others in New Hampshire as well as outside the state. There is nothing in this bill from preventing anyone from buying needles in New Hampshire and selling them in states which require a prescription. HB 1483 also encourages cross border traffic. Our border state to the south, Massachusetts, has not repealed the prescription requirement. While the strength of our economy depends on Massachusetts coming to New Hampshire to purchase clothes, appliances, beer, booze and cigarettes, I have to really question whether we really want IV drug users to come north to buy needles. I strongly believe that this is not the cross border traffic that we hope to attract. I would urge you to support the committee recommendation and vote this bill inexpedient to legislate. By the way, Doctor Bird invited the CDP representative to speak to the state about needle exchange and about removing the requirement for a prescription and they turned him down. They said that there is too much controversy and the feds were unable to give us specific statistics that would say that this would help our problems and that it would reduce the HIV rate. Thank you.

SENATOR CURRIER: Senator Wheeler, can you tell us how many other states now, allow purchase of a needle without a prescription and in particular any that are in New England?

SENATOR WHEELER: I am sorry, Senator Currier, I don't have the information readily available.

SENATOR CURRIER: It wasn't part of the testimony?

SENATOR BALDIZAR: That was my question also.

SENATOR MCLANE: I think in deference to Leo, that we can do both these bills at once. I think that it is a matter of facing up to the fact that there is an HIV crisis in New Hampshire. It isn't as bad as other states, but it does exist. Between 1,800 and 1,900 New Hampshire residents are infected with the HIV virus. There have been 420 AIDs cases in New Hampshire, 203 of them are alive and 104 of those cases have been hospitalized within this year. There is a problem. I think that the only way that I can try to convince those of you who think that this is wrong, is to give you the information that Senator Currier asked for. Only nine states now, require a prescription, New Hampshire is one of them. In the 37 programs similar to the two bills that you have before you in the other states, there has been no evidence of increased drug use. What the bills do is to make you go to a social worker to get a prescription for a needle. And as I say, the most important information came from a woman who came up from Connecticut and told of the program which I think was the Medical Society that got her to come up here. She said that by the end of 1993 that Connecticut had 111 children reported with AIDs. New Hampshire only has six. But nearly all of Connecticut's HIV infected children became ill because their mothers or fathers used drugs. One of the most important reasons for passing this legislation is to keep this from happening in your state. She went on to tell us that 77 percent of drug users reported buying their needles in

pharmacies at the end of the first year. This is a bill to prevent drug users from getting AIDs. If you don't want to face up to that problem, then don't vote for this bill, but just know that in 37 other states, they have adopted both of these bills and the problem has lessened.

SENATOR BALDIZAR: I want to add to what Senator McLane has said. Actually there are over 40 states and the provinces of Canada that make clean hypodermic syringes available through pharmacies without prescriptions. Recent medical studies indicate that the jurisdictions which do not require prescriptions for hypodermic syringes have reduced the rates for blood borne infectious diseases without any higher rates of illegal drug use. That is very important. One of the best things that is in this bill is that it requires information be given out to hypodermic needle users on safe disposal. I can only tell you that two weeks ago, I was at a meeting at Nashua City Hall with public health officials and trash haulers. We were discussing this very same subject, the safe disposal of needles. You have to think about our landfills and all of the other areas where these are going to end up. There is absolutely nothing wrong and everything right with giving out the right information on how to dispose of these needles. I hope that you will vote this bill ought to pass.

SENATOR PODLES: Mr. President and Senators, its *deja vu* again. To purchase hypodermic needles without prescription is not the solution to what is a big problem even in the state of New Hampshire. HB 1483 is a prescription to disaster. It will be too easy to obtain needles and many high school students are 18 and 19 year olds and they will have easy access to needles. This gives the drug users a false sense of security. They would have no incentive to quit drugs. The bill does nothing to stop the drug problem. The bill opens a Pandora's box allowing ready access to syringes and needles to drug addicts. I feel that education and drug treatment and prevention makes more sense. We ought to work towards that goal. This bill may result in cross border needle purchasing as Massachusetts is one of the states to require a prescription. And, Mr. President, I have a letter from the University of New Hampshire survey center and it is dated April 28, 1994. It was sent to the governor's office. The studies that they are talking about were done in very large metropolitan areas and not in rural New Hampshire. Mr. Kelly Meyers the director of the University of New Hampshire's survey center who signed this bill has reservations about the study. He says, "They pose a threat to the community by encouraging drug use by making it easier to obtain a clean syringe. But a reasonable argument can be made that the burden of proof is on the supporters of the needle exchange program and they have not done it. They should show that no harmful side effects would occur if the community were to operate under a new needle exchange program." So there are people in doubt, even about the survey and I would urge you to make this bill inexpedient to legislate.

SENATOR MCLANE: Senator Podles, it seems to me that most of your speech had to do with what you think would happen, and I wonder if you can point to any evidence in any of the 40 states that have adopted this legislation, that would reaffirm what you said about 17 and 18 year olds using needles?

SENATOR PODLES: First of all, Senator McLane, I don't believe that 40 states have this kind of legislation. And I did not study other states.

SENATOR BALDIZAR: Senator Podles, we do have testimony, and it is in our transcripts, that there are over 40 states and provinces in Canada that have this law, would you believe?

SENATOR PODLES: I am not aware of it, Senator.

SENATOR BALDIZAR: It was part of the testimony at our hearing. My other question is, I guess I am asking you what you would propose to do, you said that we need more education and yet, this bill does require that there be public education about the disposal of needles. I would think that that is a good thing. What would you propose?

SENATOR PODLES: I just think that education is very important. I also said that prevention makes more sense and that we ought to work towards those goals.

SENATOR BALDIZAR: Would you believe, that the states that do not require prescriptions for hypodermic syringes, have reduced rates of blood borne infectious diseases without any higher rates of drug use? Would you believe that?

SENATOR PODLES: No, I don't believe that because I have not seen the survey.

SENATOR LAMIRANDE: Senator Baldizar, would you believe, that I support this bill because I think that it is educational and informational. I think that it is a darn good bill. It is just one piece of the puzzle that will allow people to be able to combat AIDs? Thank you.

SENATOR BALDIZAR: Thank you, I would believe that, and I also support it.

Question is on the committee report of inexpedient to legislate.

A roll call was requested by Senator Wheeler.

Seconded by Senator Baldizar.

The following Senators voted Yes: MacDonald, Fraser, Lovejoy, Disnard, Roberge, Wheeler, Pignatelli, Colantuono, Podles, Barnes, J. King, Russman, Bourque, Delahunty.

The following Senators voted No: Lamirande, W. King, Currier, Blaisdell, Baldizar, McLane, Shaheen, Hollingworth, Cohen.

Yeas: 14 - Nays: 9

Adopted.

Committee report of inexpedient to legislate is adopted.

HB 1532-FN-LOCAL, an act requiring the division of public health services to establish a needle exchange program and making an appropriation therefor. Public Affairs Committee. Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: HB 1532 establishes a two year needle exchange pilot program in up to three communities, and it can be more than that. The bill appropriates \$50,000 from the general fund for fiscal 1995 and it is only 1995, to the Division of Health for the purpose of this act, however, the division cannot estimate the administrative costs for rulemaking, contract administration and technical assistance to the Advisory committee. The police chiefs of New Hampshire oppose this bill. The vote was 3 to 2 in favor of the motion of inexpedient to legislate. I would urge you to make it inexpedient to legislate.

SENATOR DISNARD: Senator Podles, on page two, am I reading correctly, does this say, "the health officer in a chosen community by the health department must have a pilot program?" The state is telling a community that it must have a program? I don't know how to read this.

SENATOR PODLES: Senator Disnard, it states, "shall approve". This is why the mayor of Manchester opposes this bill, because it could be in Manchester.

SENATOR MCLANE: I want to get to the party and I am not going to beat a dead horse, but, I think that it is very clear what that section II says, which is that the local municipal government, including the health officer, shall approve the pilot program, if it is to be implemented in that community. I think that makes it very clear, that they have to approve it. I also want to say that five out of the seven kids in New Hampshire that have AIDs, have gotten it from drug use. If we can't take the example of other states, then I don't know what to say.

SENATOR WHEELER: Senator McLane, you said that, "if it is to be implemented," is not in this bill, correct?

SENATOR MCLANE: Right. It says it very clearly. It says, "the local municipal government shall approve the pilot program." It seems to me very clear.

SENATOR WHEELER: Thank you, Senator McLane, it is very clear.

Question is on the committee report of inexpedient to legislate.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: MacDonald, Fraser, Lovejoy, Disnard, Roberge, Wheeler, Colantuono, Podles, Barnes, J. King, Russman, Bourque, Delahunty.

The following Senators voted No: Lamirande, W. King, Blaisdell, Baldizar, Pignatelli, McLane, Shaheen, Hollingworth, Cohen.

Yeas: 13 - Nays: 9

Senator Currier (Rule #42).

Adopted.

Committee report of inexpedient to legislate is adopted.

HB 1559, an act relative to smoking in indoor public places. Public Affairs Committee. Inexpedient to legislate. Senator J. King for the committee.

SENATOR J. KING: The committee recommended this bill inexpedient to legislate. What the bill does is that it requires all indoor public places and work places constructed after March 1, 1995 to have a separate room, mind you, with either a separate ventilation system or a direct exhaust system servicing the smoking area. Some of us felt that whereas just two years ago, we passed legislation working towards alienating some of the smoking areas and creating others for people who did wish to smoke, that we ought to give that a try and see if it works. I also have a little blurb here that I would like to read. "OSHA published a proposed regulation which would provide for adoption of a standard addressing indoor air quality and indoor work environment." That was in the federal register and the date of that is 4/5/94. The provisions of the standard would apply to all indoor non industrial work environment. In addition, all work sites, both industrial and non industrial, that is offices of schools, training centers, commercial establishments, bars, restaurants, health care facilities, cafeterias in the center within OSHA's jurisdiction are covered with respect to the provisions of addressing the control of environmental tobacco smoke. The proposal would require affected employees to have developed a written indoor air quality compliance plan and to implement that plan throughout, such actions as inspections, maintenance and indoor air quality. Again, the committee on a split vote of 3 to 2, recommended inexpedient to legislate. Thank you.

SENATOR PODLES: Senator King, would you believe, that most customers are satisfied with the current state policy of being segregated in restaurants?

SENATOR J. KING: I certainly agree with that.

SENATOR MCLANE: Mr. Chairman, I think that this is a very clear example of one side and the other. I don't know as we can persuade anyone, but it seems to me that there is a problem with smoke and cigarettes. That there is a mechanism and this bill presents it. I would urge those who feel that the problem is not solved, to vote for the bill.

SENATOR BARNES: Senator McLane, would you believe, that we do have legislation, but the problem is that it is not being enforced. So would you believe to put in another piece of legislation without enforcing it, is ridiculous, you have to enforce the first one?

SENATOR MCLANE: I don't believe that that is really the case. I have heard that by the people who are opposed to this legislation. I think that we have a problem. I think that this bill would address it in that it would deal with buildings constructed. It was interesting that one of the best letters that I received was from a man who runs a new restaurant out here. "He said that he doesn't understand why restaurant owners aren't in favor of this bill. People who smoke cigarettes don't order as much food and they take twice as much time to eat what they order." I had never heard that argument before, but I think that it is interesting. So, I think that some restaurant people would object to what you say.

SENATOR BARNES: Senator McLane, I have two questions, two comments, would you believe, that this gentlemen who wrote you the letter, has the right to ban smoking in his establishment? He doesn't have to put up with those people who sit there all day and smoke nasty old cigarettes, he can say, no smoking in my restaurant. He has that right without any legislation coming out of Concord? Number two, would you believe, that I would like to take a tour with you in your city of Concord, and I will point out to you 17 different restaurants that are violating the law that was voted in two years ago, anytime that you are ready, you let me know and we will go?

SENATOR MCLANE: I don't think the fact that prior legislation, you claim is not being enforced, is a reason not to vote for a bill which I think is very clear. It talks about newly constructed restaurants.

Question is on the committee report of inexpedient to legislate.

Division vote was requested.

Yeas: 17 - Nays: 5

Committee report of inexpedient to legislate is adopted.

5843

Enrolled Bill Amendment to HB 1529-FN

Amend section 2 of the bill by replacing line 15 with the following:
receive bridge aid. Costs of projects may include, but shall not be limited to,

Senator Currier moved adoption.

Adopted.

MOTION TO RECONSIDER

Senator Blaisdell having voted with the prevailing side moved reconsideration on **HB 257-FN**, an act establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund monies, whereby we ordered it to third reading.

Adopted.

HB 257-FN, an act establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys.

Referred to the Division on Finance (Rule #24).

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has found correctly Enrolled the following entitled House and Senate Bills:

HB 267, correction a reference in the stalking law.

HB 325, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates.

HB 370, establishing a local government advisory committee.

HB 387, relative to the use of gender neutral language in New Hampshire.

HB 411, relative to the hours of polling in cities and towns.

HB 1154, establishing a committee to study the feasibility of establishing a separate arbitration board for recreational vehicle defects.

HB 1206, relative to the procedure to follow when an optional elected town office is discontinued.

HB 1455, making technical amendments to the business corporations laws and clarifying the limitation of liability of officers.

HB 1552, relative to the certification of employer contributions by the retirement system board of trustees.

SB 526, relative to risk retention groups not chartered in New Hampshire.

SB 647, relative to compulsory attendance.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time, and that the Senate be in recess.

Adopted.

ANNOUNCEMENTS

Third Reading and Final Passage

HB 660-FN, an act relative to drug forfeiture.

HB 1050-FN, an act establishing the health care transition fund, making certain appropriations, and clarifying the procedure relative to the uncompensated care administration fund.

HB 1104, an act making a person who knowingly causes the death of a judicial officer guilty of capital murder.

HB 1105, an act limiting the suspension of sentences.

HB 1106, an act making a person, who purposely engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.

HB 1107, an act making crack cocaine subject to greater penalties under the controlled drug act.

HB 1109, an act relative to dual enrollment.

HB 1116, an act relative to the release of health care data.

HB 1120-LOCAL, an act making procedural and housekeeping changes regarding the board of tax and land appeals.

HB 1134, an act increasing the penalty for criminal threatening and reckless conduct with a deadly weapon.

HB 1165-LOCAL, an act repealing requirements for a census of disabled students, and providing for additional special education reimbursement for certain pupils.

HB 1173, an act prohibiting a right turn on red when a walk signal is on.

HB 1186, an act making a breach of confidentiality a violation of oath of office for town officers.

HB 1193, an act amending the charter of St. Mary's Bank.

HB 1203-FN, an act making technical amendments to the banking laws.

HB 1212-FN, an act revising the special education mediation provisions to include neutral conferences.

HB 1225, an act relative to access to medical care.

HB 1227, an act allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts and establishing priority rights as between such victim and the indemnifying entity.

HB 1228, an act recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record.

HB 1232, an act prohibiting annulments for certain crimes.

HB 1236, an act prohibiting the use of aerosol self-defense spray weapons against a law enforcement officer or in the course of committing a crime.

HB 1242, an act establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire.

HB 1248, an act requiring disclosure that a buyer's premium will be charged at certain auctions in New Hampshire.

HB 1254, an act relative to the performance of uncompensated public service by persons convicted of crimes.

HB 1263-FN, an act authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority.

HB 1266-FN, an act requiring certain property seized by the department of fish and game to be returned if the owner reimburses the department for expenses and pays the required fine.

HB 1284, an act increasing the restitution amount for illegally taking or possessing certain game.

HB 1289-FN, an act allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program.

HB 1318, an act relative to reporting requirements for elected officials.

HB 1320-FN, an act regulating commerce pertaining to consumer transactions involving credit reporting agencies.

HB 1325-FN, an act requiring the publication of an AIDS/HIV handbook.

HB 1327-FN, an act establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game.

HB 1343, an act establishing a study committee to examine the development of interactive communication systems among the public schools in the state.

HB 1349, an act relative to representation of business organizations in small claims court.

HB 1379, an act establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report.

HB 1383-LOCAL, an act relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction.

HB 1398, an act establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline.

HB 1416, an act relative to liens on manufactured housing.

HB 1420, an act relative to the sale of defective vehicles.

HB 1426, an act relative to the placement of candidates' names on the ballot.

HB 1428, an act requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park.

HB 1433, an act establishing a committee to review and make recommendations regarding health education in public schools.

HB 1440-FN, an act permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund.

HB 1443-LOCAL, an act relative to town meetings and public hearings in large towns.

HB 1502-FN, an act removing certain reporting requirements for persons who wish to sell venison.

HB 1519, an act limiting any pecuniary benefit received by directors and officers of charitable trusts.

HB 1525, an act relative to communications that constitute harassment.

HB 1535-FN-LOCAL, an act exempting certain vessels from the state vessel registration fee and the boat fee.

HB 1545, an act relative to disclosure regarding contests and gift giveaways.

HCR 22, an act urging Congress to limit campaign spending and to keep unalterable records of its proceedings.

Senator Disnard moved that the business of the day being completed that the Senate now be in recess.

Recess.

Out of Recess.

HB 1533, an act relative to the composition of the pesticide control board. Executive Departments and Administration Committee. Ought to pass with amendment. Senator Bourque for the committee.

6247B

Amendment to HB 1533

Amend RSA 430:30, I(c)-(e) as inserted by section 1 of the bill by replacing them with the following:

(c) [A representative] *The commissioner* of the department of resources and economic development, or *designee*.

(d) *The executive director* of the department of fish and game[,], or *designee*.

[(d) A representative of the division of water supply and pollution control;]

(e) *The commissioner of the department of environmental services, or designee*.

SENATOR BOURQUE: HB 1533 adds two public members to the Pesticide Control Board and clarifies that the state employee member should be department commissioners or division directors or their designees. HB 1533 is expanding the Pesticide Control Board to include public and community representation. This is to guarantee the input from the municipalities. The amendment to this bill, clarifies some inconsistencies that occur while naming the board members and their designees.

Amendment adopted.

Senator Lamirande offered a floor amendment.

6316B

Floor Amendment to HB 1533

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the composition of the pesticide control board and
relative to the definition of abutter for the purposes of
rules adopted by the board.

Amend the bill by replacing all after section 3 with the following:

4 Legislative Intent. It is the intent of the general court that the pesticide control board adopt the definition of "abutter" in section 5 of this act for the purposes of the board's rules adopted pursuant to RSA430:31 and under RSA 541-A.

5 Definition of Abutter. "Abutter" means any person who owns shoreline within 200 feet of the treatment area of the surface waters and the owner of a dwelling or of property within 200 feet of the boundary line of the treatment block.

6 Rulemaking. The pesticide control board shall adopt rules under RSA 541-A relative to the definition of "abutter" to bring the board's rules into compliance with legislative intent as evidenced by sections 4 and 5 of this act. The board shall commence rulemaking on the effective date of this act.

7 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adds 2 new public members to the pesticide control board and clarifies that state employee members should be department commissioners or division directors or their designees.

This bill also requires the pesticide control board to adopt a new definition of the term "abutter" for the purposes of its rules.

Put floor amendment here #6316d

SENATOR LAMIRANDE: The amendment just expands on the definition of the abutter. In section five of this act the purposes of the board on what you are seeing now as abutter is a person now who owns shoreline within 200' of the treatment area of the surface waters. It does not, however, include anybody as far as property owners. So what this does is it adds the owner of a dwelling or a property within 200' of the boundary line of the treatment block and that is all that it does.

SENATOR RUSSMAN: Senator, this is for the purposes of notices, is that the idea?

SENATOR LAMIRANDE: Yes. It just expands on the definition of the abutter, this was virtually a definition that was agreed to by the Timberland Owners Association.

Floor amendment adopted.

Ordered to third reading.

HB 190-FN, an act giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments. Transportation Committee. Ought to pass with amendment. Senator MacDonald for the committee.

6144B

Amendment to HB 190-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the authority of the department of transportation over certain abandoned rail lines and splitting the lease revenues for certain rail properties and establishing a committee to review and make recommendations relative to advertising devices.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Advisory Role of the Department. Amend RSA 216-F:1 by inserting after paragraph III the following new paragraph:

IV. The commissioner of the department of resources and economic development shall advise the commissioner of transportation concerning the use of all rail lines condemned, abandoned, or over which the state has exercised its right of first refusal for the statewide trail system under this chapter, until such time as the state decides upon another use for such rail lines.

Amend RSA 228:57, II(a) and (b) as inserted by section 2 of the bill by replacing it with the following:

(a) Fifty percent of such revenues shall be deposited in the state parks fund for use by the bureau of trails established in RSA216-A:3-i.

(b) Fifty percent of such revenues shall be deposited in the special railroad fund established in RSA 228:68.

Amend the bill by replacing section 3 with the following:

3 New Section; Advisory Role. Amend RSA 228 by inserting after section 67 the following new section:

228:67-a Advisory Role of the Commissioner of the Department of Resources and Economic Development. Notwithstanding the commissioner of the department of transportation's authority as sole agent of the state under

RSA 228:56 to acquire all manner of rail properties, the commissioner of the department of resources and economic development shall advise the commissioner of the department of transportation concerning the use of all rail lines condemned, abandoned, or over which the state has exercised its right of first refusal for the statewide trail system established in RSA 216-F, until such time as the state decides upon another use for such rail lines.

Amend the bill by replacing all after section 4 with the following:

5 Committee Established. A committee is established to review and make recommendations relative to advertising devices in New Hampshire.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house.

(c) The commissioner of the department of transportation, or designee.

(d) A member of the New Hampshire Lodging and Restaurant Association, appointed by the association.

(e) A member of the New Hampshire Sign Association, appointed by the association.

(f) A member of the Society of the Protection of New Hampshire Forests, appointed by the society.

II. Members of the committee shall not be compensated. However, legislative members shall receive mileage at the legislative rate.

III. The committee shall have the authority to study all aspects of advertising devices in New Hampshire, including reviewing and making recommendations relative to:

(a) Conflicts associated with overlapping jurisdiction governing advertising devices.

(b) A moratorium or future limitation of advertising devices.

(c) Height limitations on the placement of advertising devices.

(d) A vegetation maintenance program.

(e) Other issues which may come to the attention of the committee.

IV. The committee shall have full power and authority to require from the several state departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it may deem necessary.

V. The members of the study committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this act. A majority of the committee shall constitute a quorum.

VI. The committee shall report the results of its study, including its findings and recommendations and any proposed legislation for submission in the 1995 legislative session, to the governor, the senate president, and the speaker of the house of representatives no later than November 1, 1994.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1995.

AMENDED ANALYSIS

This bill requires the department of resources and economic development to advise the department of transportation regarding the use of certain abandoned rail lines for a statewide trail system, until the state decides upon another use for such lines.

The bill splits the lease revenues of certain rail lines and fiber optics lines between the state parks fund in the department of resources and economic development and the department of transportation.

The bill also establishes a committee to review and make recommendations relative to advertising devices.

SENATOR MACDONALD: HB 190 as amended would allow the commissioner of DRED, to advise the commissioner of Transportation, reference abandoned rail lines in New Hampshire. The revenue from the lease of the underground lines along the abandoned right of way would be split 50/50 between both groups. The Bureau of Trails would use this money to help maintain the trail system. What I am talking about is maintaining the trail system that gives Dred the right to go out and cut trees, and cut bushes, and make the trails safe on state land. That is where the money would be used; and if the money does not come in, then it is not spent. The committee added one more section to the report, and that was advertising devices in New Hampshire. If you remember SB 745, we passed it with a strong vote. It went to the House. The House said, "the Senate did it again." We did it backwards, we should have had a study committee before we did it. In other words, we said, 'we put the cart before the horse.' I have always believed when I was in the House, that if I got a message like that from the Senate, I handled it. Now I am in the Senate, and I'll handle the House message. We have to listen to them so that what we are sending them is a fair, well balanced, study committee to look at it. I know the attitude of the highway department and it is to get rid of these signs. They went for a grant, and the total grant was a total over one million dollars to remove some of these signs. They were doing this the same time that we were working on SB 745. As you might guess, they did not get the grant from the Enhancement committee. I think that we have to try to help the House out by showing them that we can do the right thing by returning this bill with a study committee.

SENATOR HOLLINGWORTH: Senator MacDonald, I am looking at the original bill here and I am trying to compare with what you have in the amendment, and I am mostly interested in the fiscal note. I assume this will come to Finance after. Could you please try to fill me in on what this means on the back of the bill that says, "the increase to state parks funds and expenditures." Is this fiscal impact as it states?

SENATOR MACDONALD: No, that was the original bill. When they wanted to make it a joint ownership, you might say, DRED wanted 60 percent, leaving Transportation with 40 percent. The way that it is set up, the money can not be spent. We are talking at this point. We are talking, I would guess, \$50,000 to be split between the two groups. I think they wanted around \$94,000 just for DRED. What they are hoping for in the future, with underground cables, would be a good income. I think the Boston/Maine took care of that before they sold the rails to us.

SENATOR HOLLINGWORTH: I am having difficulty understanding why this revenue wouldn't go into the general fund and then be appropriated accordingly?

SENATOR MACDONALD: If you remember, I think on DRED, we set up a special fund on the gas tax. What they are saying is that we need more money to help maintain the trails, to chop the trees, cut the bushes, so that people can use it. As far as the trails, I have always felt that if you are going to use the trails, you should get out with your own axe and do your own cutting. What they are looking for now is money to start maintaining the trails, and this is the way to do it.

SENATOR SHAHEEN: Senator MacDonald, perhaps you or someone else can answer this question? Has the New Hampshire Lodging and Restaurant Association taken a position on billboard legislation.

SENATOR MACDONALD: I am trying to remember if they testified or not. At this time I cannot answer that with the proper answer.

SENATOR SHAHEEN: Can you tell me, I assume the New Hampshire Sign Association would be supportive with the billboard legislation?

SENATOR MACDONALD: I would assume, possibly they would. You left out one about Tree Association or some other group that might not be supportive. I think there is one other group that might not be supportive and I think there was one here.

SENATOR SHAHEEN: I have a pretty good sense of where the commissioner of DOT is on this issue, and where the Forest Society probably is. I don't have any knowledge of whether the Lodging and Restaurant Association have taking a position.

SENATOR MACDONALD: That is who I think I left out, I just wanted to remind you that they were on there too. It's well balanced. They have a set of scales like other amendments in times. They load the scales so they bounce down to favor one group. This is trying to make it equal balance for all the groups. I have seen other amendments, I know that if both scales go down here then you do not have the right balance.

SENATOR SHAHEEN: But are you trying to tell me definitively that the Lodging and Restaurant Association has not taken a position on the legislation?

SENATOR MACDONALD: What I said was, that I could not remember if they testified at the hearing or not. I assumed that they are always looking for tourist trade, so I would have to assume by that, they would want the signs, the proper signs. It's like letting the people know, going up 93, that Annalee Dolls, is a tourist attraction. That was put there by the people of Meredith, but all at once the Highway Department planted trees so you cannot see the sign. I assume, in all fairness, that they would want to make sure that people like that were protected. I am not talking about Mr. Cohen down here.

SENATOR SHAHEEN: So if I looked at where the balance of the committee might be, is it fair to assume that given the Senate, the legislative appointees haven't been made yet, that we would be looking at the Commissioner of DOT and the Representative from the Society for the Protection of New Hampshire Forests as possibly opposed to billboard legislation, and the other two representatives are possibly supportive of that legislation?

SENATOR MACDONALD: That is correct. The Commissioner of DOT has made it very clear that he wants all the signs taken down. It does come around a little bit on the local signs, and finally sets up that program. I am not saying that we want signs all over the place. I say we need a few signs out there to let the people know how to find Meredith, North Conway, Wolfeboro. I am talking the good places. There are other places that you might send tourist industry. Carroll County is my district, they have to have some way of sending the people up that way, especially once we get this new shopping center in Tilton. We are going to have to have other ways for people to go North to my district.

SENATOR SHAHEEN: I am not going to debate the merits of legislation, I just wanted to know about the committee.

SENATOR MCLANE: I rise to speak in opposition to the committee amendment. Senator MacDonald and I are having a hard time with a couple of analogies. He keeps talking about this balance, and we have had little discussion about who weighs more. I am not going to get into that one. But let's talk about horses and carts and which one comes first. I am not sure which is the cart and which is the horse. In fact, I do know full well what the horse is, and it is the 3M Company. The 3M company owns 70 percent of the billboards in this state. They are determined to cut down the trees in front of those billboards. I doubt very much, Mr. MacDonald, that the Highway Department planted those trees in front of those signs. We have someone who is not going to give up. What they have done now, is put on an amendment to a Senate Bill going over to the House. This in no way is what the House wants. I have spoken to the chairman of the committee, and I have spoken to the person who put in the bill on which they attached this amendment. They would rather lose the bill than have the committee. I am giving to you an amendment which shall follow this one. A committee which is properly balanced, and which has the correct phraseology. If we pass my amendment over to the House, I think there is some thought that we will have a study of billboards. If we pass the amendment that the Senate has stuck on to HB 190, I have the guarantee of the House that they will kill it. Billboards have been studied for ten, fifteen years in this state. In 1970 my children on the first Earth Day, helped put the pines on the other end of town so you would not see the billboards. The height of those pines, I think, has shown how long this issue has been debated with the 3M company. If you want to put that amendment on, just never say that I haven't warned you. But if you don't put the amendment on, I do have a properly balanced amendment which includes the Association of Conservation Commissions to balance off the Lodging and Restaurant, and the Sign Association. So I would ask you to think as you vote, that there is an amendment being offered that would be acceptable to the House. I will guarantee you that sticking this on in the eleventh hour when they have already defeated it, is not going to work.

SENATOR LOVEJOY: Senator, do you know how many billboards we have in this state?

SENATOR MCLANE: I do exactly. We have 300 that are licensed.

SENATOR LOVEJOY: Did the original bill or does the study committee in any way, threaten to increase the amount of billboards?

SENATOR MCLANE: The original study committee said that you can cut and then study it. The amendment that the committee has put on, does not say you can cut then study. It says that you can study and then cut. They use words such as vegetation maintenance instead of cutting. It is an unbalanced committee.

SENATOR LOVEJOY: You do understand don't you, Senator, that the value of a billboard is greatly diminished to zero if you can't see it?

SENATOR MCLANE: I understand that this has been an issue for many, many, years, billboards. I understand that the Highway Department is opposed to billboards and has made a concession for logo signs, and yet 3M won't quit.

SENATOR LOVEJOY: Do you understand, Senator, that my question was, that a billboard that you can't see is worthless?

SENATOR MCLANE: I think that it depends on who you are, and I am not sure that would be my definition of a billboard you can't see.

SENATOR LOVEJOY: Will it have any value? Let me qualify my question, Senator, if I may? We're giving licenses and we are collecting a fee for billboards to exist. For that, we are implying that there is a value to having a billboard on a highway, and we have legislated a process to do that. Now would you agree, that a billboard that you cannot see, after it's been legally permitted, would be worthless?

SENATOR MCLANE: I would not answer that question in that way. I don't think it is worthless, because I think it is worthless to have billboards on our highways. To give permission to cut down trees that belong to the state on the state right of way for 1,000' so that someone can see a billboard. That is a worthless process to me.

SENATOR LOVEJOY: I think that you may have just hit on the key, Senator. May I ask you then, when we passed this bill overwhelmingly in March I think that it was, I think that there were only two votes in this whole Senate against it.

SENATOR MCLANE: I very carefully did not ask for a roll call, Senator.

SENATOR LOVEJOY: I realize that, Senator. In order to ask my question, is it your intent with your amendment, then, to make all billboards in the State of New Hampshire illegal?

SENATOR MCLANE: No, that is not what the study committee says. It is to look at the regulation of billboards.

SENATOR LOVEJOY: Would your committee, Senator, and your amendment, then expand the study of making the existing billboards that are properly permitted to be in place, visible? Would your amendment expand on that to study billboards in general?

SENATOR MCLANE: I believe that it is no different than the amendment that you have there before you at this time, which calls for a study, for a moratorium, or future limitations of advertising devices.

SENATOR LOVEJOY: Would you agree, Senator, and my final question, that we should do all that we can to enhance our vacation tourist industry in the State of New Hampshire? Would you agree that billboarding is an effective tool in doing that?

SENATOR MCLANE: I would say that the elimination of billboards would be an effective tool, and that cutting down trees on public property in order to see a billboard is not an effective tool.

SENATOR LAMIRANDE: I have just a brief statement to make on the amendment to HB 190. That is, I am, of course, on the Transportation Committee with Senator MacDonald. We sat there, and we listened to business people approach us and say to us, "we are paying good money for billboards that no one can see." All that we are asking with this bill is that you allow all concerned to study the issue of billboards. I don't think that is an unfair request. I think that it is a legitimate request, one that needs attention. The businesses that we do have in the State of New Hampshire, I think, need to be ongoing. And if the existing billboards that are out there right now cannot be seen, there is a definite threat of loss of those businesses. So I hope you will support the amended version of HB 190.

Question is on the committee amendment.

A roll call was requested by Senator McLane.

Seconded by Senator J. King.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Blaisdell, Wheeler, Baldizar, Pignatelli, Colantuono, Podles, Barnes, J. King, Bourque, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted No: McLane, Russman.

Yeas: 21 - Nays: 2

Amendment adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Blaisdell having voted with the prevailing side moved to reconsider **HB 190-FN**, an act giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments, whereby we ordered it to third reading.

Adopted.

HB 190-FN, an act giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments.

Referred to the Division on Finance (Rule #24).

HB 1209-FN, an act relative to administrative motor vehicle suspensions. Transportation Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: HB 1209 will aid in clarifying the process for appeal in administrative license suspensions. Currently, a person can appeal to Superior Court and the entire hearing will be reheard with witnesses. This process of having, first, an administrative hearing and then a Superior Court hearing and with potentially a Supreme Court appeal, is very costly to the state and the municipalities. The bill would allow the appeal at the Superior Court level, to be based solely on the transcript of the administrative hearing along with any evidence from that hearing. The right to appeal an administrative suspension is not affected in any way. The committee recommended that this bill ought to pass. Any questions?

SENATOR RUSSMAN: I want to say in terms of the appeal process, the letter that was sent around earlier by one of the organizations, indicated that there were 1,300 of these ALS hearings held this last year, I believe it was. There were 200 out of the 1300 that appealed to the Superior Court. That is not a lot of appeals, frankly. That is a very small number. I think you put it at 15 percent of the cases that actually got appealed and most of those were upheld the way the hearings officer decided the case. Perhaps, you have to understand also, that most of the time if you have a business or a company, and they were to make a decision, and then you actually had a right to ask someone in the company to hear that. What you have in this case, you have the Motor Vehicle Department making a decision on a license. Then they are asking one of their people to be independent and then to listen to it all over again, and decide whether or not the company, or in this case, the Motor Vehicle Department, did the right thing in taking the license. The question is really if your constituents deserve the right to have a truly impartial hearing in Superior Court or not. I don't feel that this is a hugely horrendously important issue. But at the same time if you are

looking for protecting individuals' rights and to see if they can get a fair hearing, certainly you ought not to vote for the bill. The 200 appeals that we had, that is not even one per town in the State of New Hampshire. I think we can afford to have at least the 200 hearings that are held in Superior Court. I think that if one of your constituents has a problem, obviously he/she wants a fair hearing, and the only way to assure that is to see that they have the right to appeal preserved. I think the important thing to know here is in the next bill. It further erodes the peoples' rights in the terms of what the burden of proof is going to be. So taken alone, they're maybe not a big deal, but taken together, you are obviously affecting what your rights would be. I know later on there is going to be a bill in terms of 458 and some may feel those people also should not have any additional rights in terms of when they have any disregard or denial of benefits. But certainly we have voted against this in the past, and we ought to be consistent in terms of voting against it at this point.

SENATOR MACDONALD: Would you agree that there were about 5,000 or 6,000 people last year that were picked up at this program and only 1300 wanted a hearing?

SENATOR RUSSMAN: Right, I think that is correct. I guess that would further indicate the minute number really, out of 5,000 or 6000 people, only 200 would ask to have a Superior Court Judge to hear it. Then again, that is not a very big number.

SENATOR MACDONALD: I understand that you like to save the taxpayers money, is that correct?

SENATOR RUSSMAN: It is nice to be able to do that.

SENATOR MACDONALD: Wouldn't this bill save taxpayers money and keep the police officers back on the road?

SENATOR RUSSMAN: This bill will do that, but the issue is what is the price? If you try to look at that in terms of balance of someone's individual rights or their individual freedom, sure. It will perhaps save the money on one end. The further argument to that is why even have the ALS hearing? Why not just let the policemen decide, and we will do away with the court system and everything else? You have to have a balance here, I think. The balance is you have this right, and I think that only 200 people took that privilege out of 5,000 to 6,000 people. That is not a lot.

SENATOR MACDONALD: Well have you ever thought about it the other way? If you multiplied the number of people that were involved in those 200 cases per month, how much money do you think that you would be able to save the State of New Hampshire, and the taxpayers, and the towns, and the cities?

SENATOR RUSSMAN: I thought that it was \$200 for the year. That is what the letter indicated, I thought. Maybe I misread that.

SENATOR MACDONALD: I will read the letter over for you again. "In 1993 approximately 1300 persons availed themselves." I thought what you were doing was dividing that somehow, and coming out with 200.

SENATOR RUSSMAN: In other words, it said in 1993, if you read the whole sentence, approximately 1300 persons availed themselves of that opportunity and had fullscale hearings at the Department of Safety. Then the sentence at the bottom of the page, "approximately 200 of Department of Safety ALS hearings decision were appealed to Superior Court in 1993." Out of the 5000 or 6000, 1300 asked for hearings before DOS, and then you had 200 of that ask for a hearing de novo in front of the Superior Court.

SENATOR MACDONALD: Will you agree that this will save taxpayers money and keep the police officers on the road?

SENATOR RUSSMAN: It will, on one level, but at what price? To me, that is the argument, I suppose, at one level. But the balance is not there if you do that.

SENATOR LAMIRANDE: Senator Russman, would you believe, that all these hearings last anywhere from three to four hours and they can be done at least three or four times? Would you further believe, that the hearing examiners are full time examiners and most of them are attorneys?

SENATOR RUSSMAN: I would believe the second, but I do not believe the first. They do not ordinarily take three or four hours. In fact, they take less than an hour, in most instances.

SENATOR LAMIRANDE: Would you believe, that apparently the drivers win about 15 percent of their ALS hearings as apposed to five or ten percent in district court DWI cases?

SENATOR RUSSMAN: Would you please repeat that?

SENATOR LAMIRANDE: The drivers win about 15 percent of the ALS hearings in compared to five to ten percent in the district court DWI cases? These are statistics that have been proven. They win at a higher number of cases than they do if it goes to Superior Court.

SENATOR RUSSMAN: I think that you have to look at the reasons why that happens. It happens because if the police officer fails to show up at the hearing even though he has been given notice, they lose by default and that goes into that statistic. If they don't send in the request for an ALS hearing within, I think it is five days, they also lose that hearing. Because they have to do it within a certain time limit, and a number of times that does not happen and so that all gets fed into that level. So it is not a question of just winning, if you will, at that level.

SENATOR LAMIRANDE: Would you believe, that they do win more cases at the ALS hearing then they do if they go to Superior Court and that it costs more money if they have to go to Superior Court because of all the involvement with the police officers?

SENATOR RUSSMAN: Percentage wise, not numbers. We are dealing with only 1300 cases. Where in fact, we have 6,000 people that are going to District Court, so number wise, no, but percentage wise, yes.

SENATOR LAMIRANDE: Would you further believe, that the Department of Safety, the Attorney General's Office, the Governor's Traffic Safety Commission and the Police Chief's Association, support this bill?

SENATOR RUSSMAN: I would expect that they would support any bill that would further see that people do not have perhaps as much of a hearing that they might be getting at this point.

SENATOR LAMIRANDE: Thank you.

SENATOR FRASER: Senator Russman, is the person that has been charged, is that person entitled to an attorney at the administrative hearing?

SENATOR RUSSMAN: No.

SENATOR FRASER: They can't be represented at that level?

SENATOR RUSSMAN: If they want to pay for one, then they are entitled to bring one. They are not entitled to any attorney if they don't have the

money, and frankly, most people probably don't have the money and that is why you see so few appeals for the hearing process.

SENATOR FRASER: Just to clarify. They are entitled to be represented by counsel at the administrative hearing?

SENATOR RUSSMAN: Yes, they have the right to have an attorney with them.

SENATOR HOLLINGWORTH: Senator Lamirande, this is one of those bills that came from Corrections and Criminal Justice, and generally these bills that deal with the courts and the courts proceedings go to Judiciary in the Senate. I am really perplexed why this would end up in Transportation and why Transportation did not send this bill to us? This bill clearly changes precedent in how cases are heard now before the court system. This bill is, to my knowledge, in past years, when it came before the Judiciary in the Senate and the Judiciary in the House. I think I have seen this bill at least three times. So I am really quite disturbed that this bill is coming out of a committee that generally does not handle the legal oversight. The question is, do you have any idea why this went to Transportation and why didn't Transportation send this to Judiciary?

SENATOR LAMIRANDE: I guess if I had to answer that, I would say that basically it is because it deals with DWI and DWI occurs on a highway, so maybe that was it. I really don't have any idea, Senator Hollingworth.

Division vote is requested.

A roll call was requested by Senator MacDonald.

Senator MacDonald withdrew the motion for a roll call.

Question is on the committee report of ought to pass.

Division vote is requested.

Yeas: 13 - Nays: 10

Adopted.

Ordered to third reading.

HB 1569-FN, an act relative to administrative review of suspended or revoked motor vehicle licenses. Transportation committee. Ought to pass with amendment. Senator Lamirande for the committee.

6255B

Amendment to HB 1569-FN

Amend RSA 265:91-b, II-a(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Once the officer has established that the test was properly administered, the burden of proof shall be upon the person to prove that the test was not properly administered.

Amend RSA 265:91-b, II-b(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Once the officer has established that the test was properly administered, the burden of proof shall be upon the person to prove that the test was not properly administered.

SENATOR LAMIRANDE: The process for administrative license suspension needs to be changed. Police officers involved with DWI cases are currently required to attend license suspension hearings which is very costly

to the Police Department. This bill would allow the officer who administered a breath test, a breath test now, to a suspected DWI offender to submit a report that describes the process taken to administer the breath test instead of appearing at the hearing to testify for the process taken. The burden of proof relative to whether or not the breath test was performed accurately, is shifted to the accused to prove that the test was faulty. The burden of proof is only 51 percent for the accused, and the defendant is still able to subpoena an officer for the hearing regardless of the submitted written report. There is also a provision which allows a driver who is found not guilty in a criminal DWI case to get back the license that was administratively suspended. The committee recommended the bill ought to pass.

SENATOR HOLLINGWORTH: I am really surprised, this again, is another Corrections and Criminal Justice. I am not sure why this bill was in your committee. And again, and I don't buy that because DWI's happens on the road. That would be like saying a lot of other things happen and the linkage of that is clearly that the committee that is used to handling these questions and that deals with this information, it was not sent to that committee. I wonder why, even at this late date, why this bill was not sent for review by the Judiciary Committee.

SENATOR HOUGH (In the Chair): The question should be more properly addressed to the Chair. The Chair takes responsibility for the disposition of bills to policy committees. To the extent of the member's question it is well taken, and the Chair will take responsibility for it. We do have a process that members review it and work with as signing the bill. The member really isn't in a position to answer that question. The Chair is. To the extent the members questions are valid, the Chair will take the responsibility.

SENATOR SHAHEEN: Senator Lamirande, am I to understand that what the amendment does, is to put the burden of proof on the accused to demonstrate that the breathalyzer was properly administered? Doesn't that switch the burden of proof that is normally established in criminal cases or in legal cases, so that isn't the state usually in the position of determining the burden of proof, rather than the accused?

SENATOR LAMIRANDE: Can you say that again? Are you asking me to state TAPE INAUDIBLE

SENATOR SHAHEEN: As I read what this says, it says that the accused is in the position of needing to prove that the breathalyzer is inaccurate. That is my first question. My second question is, if we allow this evidence to be submitted, that then means that there is no opportunity to question the person who administered the breathalyzer, is that correct?

SENATOR LAMIRANDE: Let me try to answer that, okay. Based on the information that I have received, the bill, in most cases, spares the presences of the breath test operator or public health analysis at the ALS hearing. The state could meet its burden of proving that the test was validly administered if the officers submitted certain documents in advance of the hearing.

SENATOR SHAHEEN: So that as I understand, then puts the burden of proof on the accused to establish that those documents are inaccurate?

SENATOR LAMIRANDE: Yes, that is what I understand.

SENATOR SHAHEEN: My question is, doesn't this reverse what is normally the burden of proof in legal cases, which is that the state must prove the legality of the situation as opposed to the accused?

SENATOR LAMIRANDE: Well, the documents would be the test of certification. Even if the burden of the proof was on the individual, it still will be the test of certification.

SENATOR SHAHEEN: I understand that, but I guess my question is still, doesn't this reverse the normal burden of proof in legal cases?

SENATOR LAMIRANDE: Well, all it does is say that the machine was, in fact, accurate. They have to prove that it wasn't accurate.

SENATOR SHAHEEN: I guess that is the part that concerns me, Senator Lamirande. We are making an assumption without actually giving the accused the opportunity, number one, in person, to be able to question that information and the person who administered it, and therefore, the person who is accusing that. Then secondly, it switches what is the normal burden of proof.

SENATOR LAMIRANDE: What it deals with though, is that the test was administered properly. What the person would have to do is show that the test was not administered properly not so much that it was faulty, but the test was not administered properly.

SENATOR SHAHEEN: But again, it means then that the accused does not have someone in person who they can raise questions about whether that is administered properly?

SENATOR LAMIRANDE: Oh yeah, they can subpoena the officer. They can have the officer present, that does not take that away. I think I read that in the short blurb that I read. The defendant is still able to subpoena a officer for the hearing, regardless.

SENATOR SHAHEEN: Thank you.

SENATOR DISNARD: Senator Lamirande, if I were a woodsman up in Berlin, and I was picked up by the State Police or some law enforcement officer, and had to go to court, and I disagreed that the test was administered correctly, wouldn't I have to hire an attorney, take time off from my job, lose money and then go back to court again?

SENATOR LAMIRANDE: I do not see it that way. If you choose to hire an attorney to go to court and take time out of work, yes, you can do that. It does not take any of that away from you. But, in addition to that, you could have the officer who had the test done, subpoenaed and he could testify.

SENATOR DISNARD: Wouldn't that take another court appearance?

SENATOR LAMIRANDE: Well, that could happen at the ALS hearing.

SENATOR COHEN: I serve on the Transportation Committee and I do not support this bill. I am very concerned about the shifting of the burden of proof, and I think that it sets a very bad precedent. I would urge this body to vote against 1569.

Senator Hollingworth moved to have **HB 1569-FN**, an act relative to administrative review of suspended or revoked motor vehicle licenses, laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1569-FN, an act relative to administrative review of suspended or revoked motor vehicle licenses.

COMMITTEE OF CONFERENCE CHANGE

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping.

Senator Pignatelli replaces Senator Blaisdell.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, May 10, 1994 at 1:00 p.m.

Adopted.

LATE SESSION**Third Reading and Final Passage**

HB 1533, an act relative to the composition of the pesticide control board.

HB 1209-FN, an act relative to administrative motor vehicle suspensions.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Tuesday, May 10, 1994 at 1:00 p.m.

Adopted.

Adjournment.

May 10, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

There are strange things occurring in the heavens right now. Eclipses have always made politicians nervous. Listen to this from Milton's great work, Paradise Lost, "The Sun in dim eclipse, disastrous twilight sheds on half the nations, and with fear of change perplexes monarchs." (Book I, 1.594) An eclipse should make politicians nervous for it reminds that someone even greater than you is actually in charge. So go ahead and be perplexed today. It will make you better leaders for us. Lord of all, may Your ever changing heavens remind us that though we are tiny in view of Your vast creation, we are giants in view of Your huge care for each one of us. As we do our work here, let us not fear this day to look into the brilliant sunshine of Your powerful love.

Amen

Senator Disnard led the Pledge of Allegiance.

INTRODUCTION OF GUESTS**HOUSE MESSAGE**

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 1010-LOCAL, relative to a 10-year transportation plan.

HB 1135, relative to a judicial council study of family matters within the state court system.

INTRODUCTION OF HOUSE BILLS

Senator Delahunty offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House bills numbered 1010 - 1135 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted by the necessary 2/3 vote.

First and Second Reading and Referral

HB 1010-LOCAL, relative to a 10-year transportation plan. Capital Budget committee.

HB 1135, relative to a judicial council study of family matters within the state court system. Judiciary Committee.

SUSPENSION OF THE RULES

Senator Russman moved that Senate Rule #22 be so far suspended as to allow for a committee hearing without a five day notice in the calendar on HB 1010 and HB 1135.

Adopted by the necessary 2/3 vote.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 1106, making a person, who engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.

HB 1107, making crack cocaine subject to greater penalties under the controlled drug act and prohibiting the operation of methadone maintenance programs.

HB 1108, relative to the appointment of members to the northeast interstate dairy compact commission and relative to the certification of milk laboratories.

HB 1119, authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus, and relative to certain technical changes in the mental health laws.

HB 1186, making a breach of confidentiality a violation of oath of office for town officers.

HB 1227, allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts and establishing priority rights as between such victim and the indemnifying entity.

HB 1228, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record.

HB 1232, prohibiting annulments for certain crimes.

HB 1263-FN, authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority.

HB 1440-FN, permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund.

HB 1443-LOCAL, relative to town meetings and public hearings in large towns.

HB 1524-FN, relative to the executive reorganization of the department of education.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 33, relative to licensing of certified public accountants.

SB 542, increasing the penalty for certain automobile offenses.

SB 590, relative to the investment of trust funds by banks in affiliated investments.

SB 609, providing extended terms of imprisonment for certain DWI offenses.

SB 649, relative to workers' compensation insurance disclosure.

SB 684, limiting fees charged by companies and lenders for checks drawn on insufficient funds.

SB 708-FN, permitting the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee.

SB 777, establishing a committee to study health care issues in New Hampshire.

SB 781-A, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Bills sent down from the Senate:

SB 659-FN-A, relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor.

SB 663, relative to wiretapping.

SB 804, establishing a committee to study delinquent property taxes owed by condominium unit owners.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 688 LOCAL, relative to redemption of property subject to tax liens for the elderly and disabled.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Perry
 Robert Fesh
 Richard Noyes
 Paula Bradley

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Clyde Douglass
 Ervin Lachut
 Paul McGuirk
 Linda Smith

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 790, relative to small power producers.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 790, relative to small power producers.

Senator W. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 711, relative to small employer and individual insurance.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 711, relative to small employer and individual insurance.

Senator Delahunty moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 793-A, relative to the Pease development authority and making an appropriation therefor.

SENATE NON CONCURS AND REQUEST**A COMMITTEE OF CONFERENCE**

SB 793-A, relative to the Pease development authority and making an appropriation therefor.

Senator Blaisdell moved non concurrence and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Hough, Blaisdell, Shaheen.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 792-A, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport.

SENATE NON CONCURS AND REQUEST**A COMMITTEE OF CONFERENCE**

SB 792-A, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport.

Senator Blaisdell moved non concurrence and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Hough, Blaisdell, Shaheen.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled Bill sent down from the Senate:

HB 1171, relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Howard Dickinson
 Thomas Kirby
 Michael Whalley
 Deborah Merritt

SENATE ACCEDES TO HOUSE REQUEST FOR**A COMMITTEE OF CONFERENCE**

HB 1171, relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services.

Senator Russman moved to accede to request for a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Fraser, MacDonald, Pignatelli.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1321-FN, relative to liquor licenses for full service restaurants and requiring on-sale liquor license applicants to obtain all required local permits and licenses.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Tom Behrens
Steve Avery
Leona Dykstra
Laura Pantelakos

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1321-FN, relative to liquor licenses for full service restaurants and requiring on-sale liquor license applicants to obtain all required local permits and licenses.

Senator McLane moved to accede to request for a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: MacDonald, J. King, Lovejoy.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1493-FN-A, relative to tax refunds from the department of revenue administration.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Garret Cowenhoven
Barbara Arnold
Earle Chandler
Don Pageotte

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1493-FN-A, relative to tax refunds from the department of revenue administration.

Senator McLane moved to accede to request for a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: McLane, Blaisdell, Hollingworth.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Pamela Bean
Lynn Horton
Leona Dykstra
Elizabeth McGovern

SENATE ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee.

Senator Currier moved to accede to request for a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Currier, J. King, Russman.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 128, relative to the recodification of the forestry laws.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 128, relative to the recodification of the forestry laws.

Senator Russman moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings.

SENATE NON CONCURS AND REQUEST

A COMMITTEE OF CONFERENCE

SB 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings.

Senator Roberge moved non concurrence and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Roberge, Fraser, Bourque.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 800-FN, relative to the child protection act.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 800-FN, relative to the child protection act.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 653, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 653, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council.

Senator Russman moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process.

SENATE NON CONCURS AND REQUEST**A COMMITTEE OF CONFERENCE**

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process.

Senator J. King moved non concurrence and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: J. King, Hollingworth, McLane.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 520-LOCAL, relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord.

SB 538, establishing a state freshwater fish.

SB 549, relative to loans made by a bank to its executive officers.

SB 573, establishing a committee to study the relocation of abandoned manufactured homes within manufactured housing parks.

SB 622, changing the membership of the board of examiners of psychology and mental health practice.

SB 802, relative to real estate appraisers.

SCR 10, to request Congress to allow all states east of the 100th meridian to regulate the export of unprocessed logs.

COMMITTEE REPORTS

HB 1290-FN, an act changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees. Banks Committee. Ought to pass with amendment. Senator Lamirande for the committee.

6313B

Amendment to HB 1290-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the membership of the New Hampshire retirement system board of trustees.

Amend the bill by replacing all after the enacting clause with the following:

1 Administration; New Hampshire Retirement System Board of Trustees. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of 13 trustees. [The bank commissioner shall be an ex officio voting member of the board but shall abstain from voting on the placement of funds in New Hampshire banks.] The governor and council shall appoint [2] **3** trustees, to be known as non-member trustees, who shall be qualified persons with business, *finance and investment* experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified, except that the original appointment of one of the non-member trustees shall be for a term of one year. The remaining 10 members of the board shall consist of 2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who serves on the insurance committee and who shall be appointed annually by the senate president, and one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, and the New Hampshire state permanent firemen's association shall each annually nominate from their members a panel of 5 persons, all of whom shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no

later than June 10 of each year. From each of the above named panels the governor and council shall originally appoint 2 persons, and thereafter one annually to the board. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years, except that the original appointments of one of the persons from each panel shall be for a term of one year. Each member so appointed shall hold office until his successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees. The chairman, the senate member, the house member, and the 4 group I members shall constitute one subcommittee and the chairman, the senate member, the house member, and the 4 group II members shall constitute another subcommittee. Each subcommittee shall, relative to the members of their respective group, consider policy problems and make recommendations relative to the same to the board of trustees and make recommendations to the board of trustees concerning applications under the provisions of RSA 100-A:6. For the purposes of transacting any business, 4 members of a subcommittee shall constitute a quorum.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill removes the bank commissioner as an ex officio voting member of the New Hampshire retirement system board of trustees and adds another non-member trustee to the board.

MOTION TO RECOMMIT

Senator Fraser moved to have **HB 1290-FN**, an act changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees, recommitted to the Banks Committee.

Adopted.

HB 1290-FN is recommitted to the Banks Committee.

HB 1391, an act relative to consumer protection and going out of business sales. Banks Committee. Ought to pass. Senator Fraser for the committee.

SENATOR FRASER: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1510-FN, an act relative to the availability of on-site foreign currency exchange. Banks Committee. Inexpedient to legislate. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1458-FN-LOCAL, an act to provide incentive through school building aid for establishing and maintaining public kindergarten programs. Education Committee. Ought to pass with amendment. Senator Currier for the committee.

6173B

Amendment to HB 1458-FN-A-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

to provide incentive through school building aid for establishing and maintaining public kindergarten programs, and establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission.

Amend the bill by replacing all after section 2 with the following:

3 New Hampshire Sweepstakes Commission Committee Established;
Purpose; Intent.

I.(a) The general court finds that kindergarten is an important part of a child's education, and that children who have had kindergarten experiences generally have an educational advantage during their later schooling. Most learning materials and curricula for schools presuppose that children have had kindergarten schooling. It is the intention of the general court to promote the goal that all New Hampshire children of suitable age and development shall have access to a publicly-supported kindergarten.

(b) The general court also finds that the issue of maximizing revenue from programs administered by the sweepstakes commission is one of interest as it relates to the funding of education and the types of games of chance offered in New Hampshire. Therefore, the general court is establishing a committee to study current and potential New Hampshire sweepstakes commission programs as well as the maximization of commission revenues for the purpose of fully funding foundation aid, kindergarten or other education programs.

II. There is established a committee to study the programs administered by the New Hampshire sweepstakes commission and the maximization of revenues to the state from those programs. The committee shall also review lottery programs utilized in other states which could be implemented and administered by the New Hampshire sweepstakes commission.

III. The committee shall consist of the following members, all of whom shall be appointed within 30 days of the effective date of this act:

- (a) The senate president, or designee.
- (b) The speaker of the house, or designee.
- (c) The attorney general, or designee.
- (d) The commissioner of education, or designee.
- (e) The executive director of the sweepstakes commission.

IV. The chair of the committee shall be selected from the members at the first meeting. The first meeting of the committee shall be called by the president of the senate, or his designee, within 60 days of the effective date of this act.

V. In conducting its study, the committee shall have the authority to utilize the staff and research assistance of the sweepstakes commission, the department of education, and the legislative budget assistant.

VI. The committee shall submit a report of its findings and recommendations for legislation to the senate president, the speaker of the house, and the governor no later than November 1, 1994.

4 Effective Date.

I. Section 2 of this act shall take effect June 30, 2000.

II. Section 3 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill provides that local school districts shall be eligible for an increase in school building aid for classroom construction and renovation costs for implementing new public kindergarten programs or maintaining existing public kindergarten programs. The program terminates in the year 2000.

The bill also establishes a committee to review the maximization of revenues from programs administered by the sweepstakes commission.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

SENATOR MCLANE: Mr. President, I obviously rise in strong support of a bill that would in any way further the cause of having kindergarten in New Hampshire. The social disgrace of the century is that this state does not have kindergarten. We passed out, at the many hearings that we came upon, this chart, which says it all. This is a retention chart in Nashua. And before they had kindergarten they used to have 73 kids staying back in the third grade. After they instituted kindergarten there were two kids that stayed back, and that says it all. It is the most foolish thing that we have. This bill is another desperation measure. What it says is that we are going to study gambling and see if we can get enough money so that the kidlets can totter off to first grade. Frankly, I thought about putting in an amendment which had a study of taxing prostitution, to see if we could perhaps get enough money from that. We are frantic. All I can say is, that it shows you how hard up we are to have to look at why they spend so much money in the sweepstakes program on administration, to have to look at whether if you added Keno and added Video you could have kindergarten. The worst thing that ever happened to education in New Hampshire was tying the sweepstakes to education, because now we get no more than that money. But if this bill which is, as someone pointed out, the last of the three kindergarten bills, we have before us, do you know that it is a pretty pitiful thing, when we are not going to put in any money. Oh no, we are just going to study to see if we are going to get some money out of some poor innocent gamblers, so that we can send some kids off to kindergarten. You can see that I feel strongly about this subject, so I will sit down.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1588-L, an act altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum. Economic Development Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 260-FN-A, an act establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services. Environment Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 279, an act prohibiting certain household cleansing products containing phosphates. Environment Committee. Ought to pass with amendment. Senator Russman for the committee.

6320B

Amendment to HB 279

Amend RSA 485-A:55, III as inserted by section 1 of the bill by replacing it with the following:

III. "Trace quantity" means an incidental amount of phosphorus which is not part of the household cleansing product formulation, is present either as a consequence of manufacturing, to assure product performance for purposes other than cleansing, or to assure container stability, and does not exceed 0.5 percent of the content of the product by weight, expressed as elemental phosphorus.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 317, an act establishing a grant program for closure of unlined solid waste landfills. Environment Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1496-FN-LOCAL, an act requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities. Environment Committee. Ought to pass with amendment. Senator Fraser for the committee.

6318B

Amendment to HB 1496-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

requiring individuals or organizations to notify the state police whenever a hazardous or potentially hazardous spill occurs.

Amend the bill by replacing section 1 with the following:

1 New Section; Notification of Discharge Required. Amend RSA485-A by inserting after section 5-b the following new section:

485-A:5-c Notification for Certain Discharges Required. In the event that there is an unplanned or accidental spill of potentially hazardous or hazardous waste into any stream or river, any individual or organization knowing or having reason to know of such a spill shall notify the New Hampshire state police, who shall in turn notify the appropriate state agency having jurisdiction over the spill and any community potentially affected by such a spill. For the purposes of this section "hazardous waste" shall include but not be limited to, "hazardous waste" as defined in RSA 147-B:2, VII.

AMENDED ANALYSIS

This bill requires any individual or organization to notify the state police whenever a hazardous or potentially hazardous waste spill occurs.

Senator Baldizar moved to have **HB 1496-FN-LOCAL**, an act requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities, laid on the table.

Adopted.

LAI'D ON THE TABLE

HB 1496-FN-LOCAL, an act requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities.

HB 1512, an act requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee. Environment Committee. Ought to pass with amendment. Senator Lamirande for the committee.

6307B

Amendment to HB 1512-FN

Amend the bill by replacing section 2 with the following:

2 New Section; Citizens Advisory Committee. Amend RSA 430 by inserting after section 31 the following new section:

430:31-a Citizens Advisory Committee.

I. There is hereby established a committee to advise the pesticide control board on matters of public concern. The committee shall be composed of the following members:

(a) The director of the university of New Hampshire cooperative extension service, or designee, who shall serve as the chairperson of the committee.

(b) A local health officer, appointed by the New Hampshire Municipal Association.

(c) A representative of the Audubon Society of New Hampshire, appointed by the society.

(d) A representative of the New Hampshire Farm Bureau Federation, appointed by the federation.

(e) An environmental educator, appointed by the environmental education association.

(f) A representative of the New Hampshire Association of Conservation Commissions.

(g) A representative of the Natural Organic Farmers Association, appointed by the association.

(h) A representative of the New Hampshire's Timberland Association, appointed by the association.

(i) A representative of the Society for the Protection of New Hampshire Forests, appointed by the society.

(j) The director of the division of public health services, or designee.

(k) One public member, appointed by the governor.

II. The duties of committee shall:

(a) To hold at least 4 regional public meetings or hearings per year to provide the public an opportunity to address concerns to the committee.

(b) To convey the concerns of the public and recommendations of the committee to the pesticide control board. The committee shall submit said concerns and recommendations in writing to the chair of pesticide control

board for inclusion on the board's meeting agenda. The committee shall also report on its activities to the house environment and agriculture committee and the senate environment committee at least yearly.

III. The pesticide control board shall keep the advisory committee informed, in a timely manner, of its activities and any proposals that it is considering. The advisory committee shall do the same for the board.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1240, an act permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water. Environment Committee. Ought to pass with amendment. Senator Lamirande for the committee.

6366B

Amendment to HB 1240

Amend the title of the bill by replacing it with the following:

AN ACT

permitting a person to have contact with water in a public water supply for the emergency rescue of a person, pet or domestic animal or while wearing waders or similarly functional boots while loading, unloading or securing a boat.

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Contact with Water Supply Allowed. Amend RSA 485:22 to read as follows:

485:22 *Swimming or Bathing; Certain Contact Allowed.*

I. If any person shall swim or bathe in such lake, pond or reservoir, within the limits prescribed for the protection of said water supply by the local board of health or health officer or the division, he shall be guilty of a misdemeanor. Notwithstanding any provision of law to the contrary, this section shall not apply to any person who enters the water for the emergency rescue of a person, pet or domestic animal or while wearing waders or similarly functional boots while loading, unloading or securing a boat.

II. No person shall enter into a public water supply within a designated 300 foot protective radius surrounding a water intake, except for an emergency when rescuing a person, pet, or domestic animal.

III. A person shall not be guilty of a misdemeanor or a violation of this section if such person:

- (a) Has only his or her hand or arm in the water; or*
- (b) Is wearing waders or similarly functional boots.*

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows a person to enter the waters of a public water supply for the emergency rescue of a person, pet or domestic animal or while wearing waders or similarly functional boots while loading, unloading or securing a boat.

This bill prohibits any person from entering the waters of a public water supply within a designated 300 foot protective radius surrounding a water intake except for the emergency rescue of a person or animal.

Under the provisions of this bill a person is not guilty of a violation or misdemeanor if such person has only his or her hand or arm in the water or such person is wearing waders or similarly functional boots.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1285-FN-LOCAL, an act permitting solid waste management districts to contract with certain persons for solid waste management services. Environment Committee. Ought to pass with amendment. Senator Fraser for the committee.

6367B

Amendment to HB 1285-FN-LOCAL

Amend the bill by replacing all after section 2 with the following:

3 Contingency. If HB 622-FN, "An Act relative to solid waste management districts" of the 1994 legislative session becomes law, section 1 of this act shall take effect at 12:01 a.m. on the effective date of section 2 of HB 622-FN and sections 2 and 5 of this act shall not take effect. If HB 622-FN does not become law, sections 2 and 5 of this act shall take effect upon its passage and section 1 of this act shall not take effect.

4 Solid Waste Management; Town Responsibility. RSA 149-M:13, V is repealed and reenacted to read as follows:

V. Towns may contract, upon a majority vote of their legislative body, with the owners or operators of solid waste disposal facilities for the disposal of solid waste. Such contracts shall be for a term of years not to exceed 40 years. The contracts may contain guarantees of the amount of solid waste to be delivered for disposal, provided that said contract is in keeping with the policy set forth in RSA 149-M:1-a. In the event that a town's delivered tonnage falls below the level stipulated in contract, the town may procure tonnage from sources outside the town, in compliance with the public benefit requirements of RSA 149-M:10-c and as provided in the contract. Contracts may contain provisions for payments based on such guarantees whether or not any subject facility is actually constructed or is operated to dispose of solid waste, and may be absolute, without right of reduction or set-off because of non-appropriation by the town or default by the owner or operator. Contracts may contain such other terms and conditions as the town may determine to be in [it] its best interest.

5 Repeal. RSA 53-B:7-a relative to regional refuse disposal districts' additional powers, is repealed.

6 Effective Date.

I. Sections 1, 2 and 5 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect upon its passage.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1515-FN, an act relative to the emissions reduction credits trading program. Environment Committee. Ought to pass with amendment. Senator Russman for the committee.

6368B

Amendment to HB 1515-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court hereby finds that any emissions reductions greater than what is required by the Clean Air Act from stationary sources, mobile sources, area sources, and off-road sources shall be used, to the greatest extent possible, for economic development in New Hampshire.

2 Emissions Reduction Credits Trading Program. RSA 125-J is repealed and reenacted to read as follows:

CHAPTER 125-J**EMISSIONS REDUCTION CREDITS TRAINING PROGRAM**

125-J:1 Definitions. In this chapter:

I. "Actual emissions" means the rate, in tons per year, at which the device or source actually emitted a pollutant during calendar year 1990, or the average rate, in tons per year, at which the device or source actually emitted a pollutant during any 2-year period which precedes the date of application by no more than 5 years and which is representative of normal production rates, and which the division determines does not jeopardize any attainment demonstration under the Clean Air Act. Actual emissions shall be calculated using factors such as the source's actual operating hours, production rates, stack emissions rates, and types of materials processed, stored, or combusted during the applicable period.

II. "Allowable emissions" means the emission rate of a device or source calculated using the maximum rated capacity of the device or source, or, if applicable, federally enforceable limits which restrict the emission rate, operating rate, hours of operation, or any combination thereof, and the most stringent of the following:

(a) Any applicable standard set forth in 40 C.F.R. part 60 or 40 C.F.R. part 61;

(b) Any applicable New Hampshire state implementation plan emissions limitation, including a limitation with a future compliance date; or

(c) Any emissions rate specified as a condition of a federally enforceable permit issued by the division or EPA, including those with a future compliance date, or a federally enforceable emissions reductions credit certificate issued pursuant to an EPA-approved economic incentive program ("EIP").

III. "Area source" means stationary or non-road sources of emissions which are too small or too numerous to be individually included in a stationary source emissions inventory maintained by the division.

IV. "Attainment demonstration" means emissions reductions required to satisfy reasonable further progress and attainment of national ambient air quality standards under the Clean Air Act.

V. "Baseline emissions" means actual emissions or allowable emissions, whichever is less, as certified by the department.

VI. "Bubbling" means an alternate emissions control strategy where two or more existing devices or sources are placed under a hypothetical bubble which is regarded, for the purpose of achieving emissions reductions, as a single device or source.

VII. "Clean Air Act" or "CAA" means the Clean Air Act, 42 U.S.C. section 7401, et seq., as amended, and all final regulations adopted thereunder.

VIII. "Commissioner" means the commissioner of the department of environmental services.

IX. "Department" means the department of environmental services.

X. "Device" means "device which contributes to air pollution" as defined in RSA 125-C:2, VI.

XI. "Director" means the director of the division of air resources, department of environmental services.

XII. "Division" means the division of air resources, department of environmental services.

XIII. "Emissions reduction credit certificate" means the document issued by the department certifying emissions reductions for use consistent with this chapter.

XIV. "Emissions reduction credits" or "ERCs" mean the actual air pollutant reductions from an emitting device or source that have been certified by the department as enforceable, permanent, quantifiable, real, and surplus. One ERC shall represent 2,000 pounds (1 ton) of emissions reduction per calendar year.

XV. "Enforceable" means those limitations and conditions on the operating rate, hours of operation, or types of materials processed, stored, or combusted of a source or device which are incorporated into a federally enforceable permit issued by the division or EPA, a federally enforceable emissions reduction credit certificate issued by the department pursuant to this chapter, or a revision to the SIP.

XVI. "EPA" means the United State Environmental Protection Agency.

XVII. "Federally enforceable" means all limitations and conditions which are enforceable by EPA, including those requirements developed pursuant to 40 C.F.R. parts 55, 60, 61 and 63; requirements within any applicable SIP, including a generic emissions trading program approved as an economic incentive program; requirements in operating permits issued pursuant to 40 C.F.R. part 70, 71, or 72; and any permit requirements established pursuant to 40 C.F.R. part 52.10, 52.21, or 40 C.F.R. part 55, or under regulations approved pursuant to 40 C.F.R. part 55 or 40 C.F.R. part 51, subpart I, including operating permits issued under an EPA approved program that is incorporated into the SIP and expressly requires adherence to any permit issued under such program.

XVIII. "Mobile source" means on-road vehicles such as automobiles, trucks, and motorcycles and non-road vehicles such as trains, airplanes, agricultural equipment, construction vehicles, off-road recreational vehicles and motorcycles, and boating vessels.

XIX. "Netting" means the process of determining whether a net emissions increase of a state or federally regulated pollutant at an existing major source will result from a proposed physical change or change in the method of operation. Netting is used to determine whether prevention of significant deterioration (PSD) or nonattainment area new source review applies to modifications at existing sources.

XX. "Offset" means the use of an emissions reduction credit to compensate for emissions increases of a nonattainment pollutant from a new major stationary source or device or from a major modification to a stationary source or device subject to the requirements of the Clean Air Act.

XXI. "Permanent" means that the emissions reductions implemented for the generation and certification of an emissions reduction credit must be assured permanently through the issuance of a federally enforceable permit issued by the division or EPA, a federally enforceable emissions reduction credit certificate issued by the department, or a revision to the SIP.

XXII. "Person" means a person as defined in RSA 125-C:2, X who has been issued a permit by the division or the EPA, or a person as defined in RSA 125-C:2, X who owns, operates, or controls any area source, mobile source, or non-permitted source of air pollution for which reductions in pollutant emissions are eligible for certification under this chapter, or the state, except as provided in RSA 125-J:5, I and II.

XXIII. "Public emissions credit" means emissions reduction credits acquired by the state either through certifying emissions reductions on state devices, area sources, mobile sources, and sources, transfer, shutdown of devices and sources, or from emissions reductions achieved by implementation of applicable state law more stringent than the federal minimum requirements under the Clean Air Act.

XXIV. "Quantifiable" means that the amount, rate, and characteristics of an ERC have been calculated in accordance with certified stack testing approved by the division, continuous emissions monitoring, or applicable control to technology guidance documents issued by EPA, or by any other method approved by the department and the EPA.

XXV. "Reasonably available control technology" or "RACT" means the lowest emission limitation that a source or device is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

XXVI. "Real" means the reduction in baseline emissions from a device or source released into the air.

XXVII. "Shutdown" means the cessation of production operations by a person who owns, operates, or controls a device or source.

XXVIII. "Source" means any stationary building, structure, facility, or installation which emits or may emit any state or federally regulated air pollutant.

XXIX. "State implementation plan" or "SIP" means the most recently prepared plan or revision thereof required by the Clean Air Act, and rules adopted by the department and single source SIP revisions which have been approved by the EPA or submitted to EPA for approval as part of the SIP.

XXX. "Surplus" means emission reductions achieved from baseline emissions which are not otherwise required under the Clean Air Act or by the SIP for compliance with any attainment demonstration under the Clean Air Act, or by any administrative or judicial order, consent agreement or enforcement action.

XXXI. "Transfer" means the conveyance of an emissions reduction credit certificate from one person to another person, with or without consideration.

125-J:2 Establishment. There is established an emissions reduction credits trading program to facilitate compliance with the requirements of the Clean Air Act.

125-J:3 Nature of Emissions Reduction Credits.

I. An emissions reduction credit certified by the department and issued to a device or source under this chapter is a limited authorization to hold and transfer such credits. Emissions reduction credits do not constitute a property right. Nothing in this chapter shall be construed as modifying the requirements of the Clean Air Act or RSA 125-C, as amended.

II. Emissions reduction credits, once certified and issued by the department, may be received, held, temporarily and permanently transferred and used in accordance with the provisions of this chapter and the Clean Air Act.

125-J:4 Certification of Emissions Reduction Credits.

I. The department shall establish and administer a process for the application, certification, revocation and enforcement of emission reduction credits for the following regulated pollutants: volatile organic compounds (VOCs), oxides of nitrogen (NO_x), and carbon monoxide (CO).

II. Any person may be credited with emissions reductions occurring after December 31, 1990.

III. The department shall issue emissions reduction credits to any person upon certification by the department that the emissions reductions are real, surplus, quantifiable, enforceable, and permanent, and that a device or source is not in violation of any emissions limitation of a permit issued by the division or EPA, any consent agreement, or court order.

IV. The department shall issue an emission reduction credit certificate to any person having certified emissions reduction credits. The certificate shall be in the name of the permit holder for a device or source, and in the name of the person certifying the emissions reduction for the device, area source, mobile source, and sources exempt from permitting requirements under RSA 125-C. The total amount of ERCs certified to a device, area source, mobile source, and source, together with any conditions required to ensure that such ERCs remain real, surplus, permanent, enforceable and quantifiable for the life of the ERC, shall be recorded on the certificate and, for every permitted device and source, as an amendment to any permit issued for the device or source by the division or by the EPA.

V. All emissions reductions obtained from devices, area sources, mobile sources, and sources shall be eligible for certification, regardless of whether the reductions were generated from emissions previously regulated under permits issued by the division or EPA, provided that the department determines that the reductions are real, surplus, quantifiable, enforceable and permanent, and that such reductions are certified in accordance with the Clean Air Act.

VI. Emissions reductions shall be certified for use on a calendar year basis. The minimum amount of emission reductions eligible under this chapter for certification shall be 1 ton per calendar year, per pollutant. ERCs shall be certified in a ratio of 1 ton per calendar year of credit for 1 ton per calendar year of reduction for each pollutant. Emissions reductions of less than 1 ton may be aggregated in order to achieve the minimum 1 ton requirement.

VII. The director may suspend, modify, or revoke any emissions reduction credits certificate issued under this chapter, or any portion thereof, upon a finding, following a hearing:

(a) That the certificate holder has committed a violation of this chapter, or any rule, order, permit, or certificate condition in force and applicable to it;

(b) That the certificate contains a material mistake or that the certificate, or its terms or conditions, were established and issued on the basis of inaccurate information; or

(c) That the certificate issued must be revised to assure that the reductions represented thereon are and remain quantifiable, real, permanent, enforceable and surplus, and in compliance with all terms and conditions issued thereto.

125-J:5 Use of Emissions Reduction Credits.

I. The department shall maintain and publish on January 1, and July 1 of every year a list of emissions reduction credit certificates which have been issued. The department shall update the list on a monthly basis no later than the 10th day of the month, and shall make the updated list available upon request under RSA 91-A. An emission reduction credit certificate and the ERCs represented thereon shall be transferable among and between persons, as defined in RSA 125-C:2, X, and the state upon 7 days prior written notice to the department.

II. Emissions reduction credits may be received, held, and transferred for so long as the credits are certified by the department. Any person as defined in RSA 125-C:2, X and the state may transfer any amount of ERCs at any time during the calendar year as provided in this chapter.

III. Emissions reduction credits may be used by a device or source to satisfy any requirement under the Clean Air Act or RSA 125-C for offsets, RACT, bubbling and netting, in accordance with the provisions of this chapter and as otherwise provided by the Clean Air Act and RSA 125-C. Emissions reduction credits shall not be used by a device or source to meet the requirements of, or result in a violation of, federal New Source Perfor-

mance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPS), the requirements for Lowest Available Emission Rate (LAER), the requirements for Best Available Control Technology (BACT), the requirements for Maximum Available Control Technology (MACT), any National Ambient Air Quality Standard for criteria pollutants, any Prevention of Significant Deterioration (PSD) increment, or any reduction required as the result of any state or federal enforcement action, consent agreement, or court order.

IV. ERCs to be used in satisfying any offset requirement under the Clean Air Act or RSA 125-C, and the regulations and rules promulgated thereunder, respectively, shall be transferred on a permanent basis. ERCs to be used in satisfying any RACT requirement under the Clean Air Act or RSA 125-C and the regulations and rules promulgated thereunder, respectively, may be transferred on a temporary or permanent basis.

V. ERCs held for future use in any calendar year shall not be aggregated for any purpose with ERCs certified for use in any other calendar year.

VI. ERCs to be used for the purpose of satisfying any RACT requirement shall have been obtained by the same source or device or another source or device in the same nonattainment area. ERCs to be used for the purpose of satisfying any offset requirement shall have been obtained in accordance with the Clean Air Act and RSA 125-C and the rules promulgated thereunder.

VII. Emissions reduction credits which have been certified to, or emissions reductions which are eligible for certification to, a device or source which shuts down its production operations shall be public emissions credits and shall revert to the state for use consistent with this chapter, except where such ERCs are to be used at other devices and sources within the state by the person or persons who owned, operated or controlled the device or source that was shutdown.

VIII. Public emissions credits obtained by the state pursuant to this chapter shall be used or held for use by the governor and council for meeting any requirement of the state implementation plan, any attainment demonstration under the Clean Air Act, or for transfer to new or existing devices and sources in the state which require offsets under the Clean Air Act. In determining the use or transfer of public credits, the governor and council shall consider the following criteria:

(a) Whether the credits will result in job retention, which shall be the highest priority.

(b) Whether the credits will be used for economic development in New Hampshire.

(c) Whether a prospective company offers the best prospects for long-term growth and job creation.

(d) Current New Hampshire businesses shall be given priority over businesses relocating to New Hampshire.

(e) The market value of the credits.

(f) No less than 75 percent of public emissions credits generated in serious nonattainment areas shall be applied to requirements applicable in serious nonattainment areas.

IX. Funds from the sale of public emissions credits shall be placed in a special account within the air resources permit fund to be used by governor and council for the acquisition and generation of ERCs for future economic development.

X. The use of emissions reduction credits by a utility as defined in RSA 362:2 shall be subject to such additional conditions as ordered pursuant to applicable law by the public utilities commission.

125-J:6 Trading of Emission Reduction Credits.

I. ERCs generated by devices and sources subject to RACT which are transferred to devices and sources subject to RACT shall be transferred in the ratio of 1:1.

II. ERCs generated by devices, area sources, mobile sources, and sources not subject to RACT which are transferred for use by devices and sources in satisfying any RACT requirement under the Clean Air Act and RSA125-C shall be transferred in accordance with the offset ratios for nonattainment areas as provided in the Clean Air Act.

III. ERCs certified for reductions of either nitrogen oxides (NO_x) or volatile organic compounds (VOCs) under RSA 125-J:4, I, shall be eligible to satisfy any applicable offset requirements for the other upon a determination that such proposed substitution does not jeopardize any attainment demonstration and does not violate any applicable requirement of the National Emissions Standards for Hazardous Air Pollutants (NESHAPS), and upon the approval of EPA. Substitution of NO_x and VOCs reductions shall be in a ratio approved by the division and EPA.

IV. The ratios provided in paragraphs I, II, and III are established solely for the purpose of transferring ERCs between devices and sources and do not modify, amend or supercede any offset requirements of the Clean Air Act.

V. Interstate trading of ERCs shall be permitted as approved by EPA and in accordance with rules adopted pursuant to this chapter.

125-J:7 Inspection and Monitoring.

I. For the purpose of determining compliance with this chapter, any rule adopted by the division relative to this chapter or an emissions reduction credit certificate issued under this chapter, an employee or authorized representative of the division or the department may, upon presentation of appropriate credentials and at any reasonable time:

(a) Enter any facility containing a device or source of air pollution;

(b) Inspect and photograph devices and sources which produce or control air pollution and air contaminants, and obtain samples of materials processed in, and generated from, the devices and sources in the facility; and

(c) Inspect and copy records, information or test results relating to air pollution, air contaminants, devices and sources which produce or control air pollution and air contaminants, emissions reductions implemented or to be implemented at a device or source, and emissions reductions credits which have been applied for by a device or source, or issued by the department.

II. The director may require persons certifying and using ERCs to collect, maintain, and submit data necessary to ensure that ERCs are and remain in compliance with all requirements of this chapter and the Clean Air Act, and with the conditions of the emissions reduction credits certificates issued hereunder.

III. Information obtained by or submitted to the department under this chapter which, in the judgment of the department, constitutes a trade secret, shall not be disclosed to the public without notice to the owner of the trade secret and an opportunity for a hearing. The protection against unauthorized disclosure of trade secret information under this chapter shall not exceed that permitted under RSA 91-A. The department may provide information relating to trade secrets to the EPA, provided that the EPA guarantees the same degree of confidentiality afforded by the department.

125-J:8 Enforcement.

I. Whenever the director finds that a person who has been issued an ERC has violated the provisions of this chapter, any rules in force hereunder, or any condition of an emissions reduction credits certificate issued

hereunder, including such conditions incorporated into permits issued by the division or EPA, the director shall issue a notice of violation and an order of abatement establishing a compliance schedule with which the device, area source, mobile source, and source shall comply. Such order of abatement shall become final and enforceable by the director within 30 days of its issuance unless an appeal is filed with the air resources council before the expiration of said 30-day period. The council shall hold a hearing on any such appeal promptly and shall thereafter issue a decision upholding, modifying or abrogating the director's order or abatement or any part thereof. The council's decision shall become final 10 days after it is issued.

II. Any violation of this chapter, any rule adopted or final orders issued under this chapter, and any emissions reduction credits certificates issued under this chapter shall be subject to enforcement by injunction, including mandatory injunction, issued by the superior court upon application by the attorney general.

125-J:9 Penalties.

I. Any person who violates any of the provisions of this chapter, or any rule adopted or order issued under this chapter, and any person who omits material information or makes any false statement or representation in connection with the certification of emission reduction credits shall be subject to a civil penalty not to exceed \$25,000 for each violation and each day of a continuing violation.

II. Any person who knowingly or willfully violates any of the provisions of this chapter or any rule adopted or order issued under this chapter, and any person who knowingly or willfully omits material information or makes any false statement or representation in connection with the certification of emissions reduction credits shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

III. Any person found guilty of any violation pursuant to RSA125-J:8, II, notwithstanding RSA 651:2, and in addition to any sentence of imprisonment, probation, or conditional discharge, may be fined not more than \$25,000 for each violation and each day of a continuing violation.

125-J:10 Liability of Purchasers of Emission Reduction Credits Limited.

I. Notwithstanding RSA 125-J:4, VII, an emissions reduction credits certificate issued pursuant to this chapter shall not be suspended, revoked, or modified during the term of the certificate for a person who has purchased or has accepted such a certificate for use as permitted under this chapter, and who can establish by a preponderance of the evidence that the certificate was purchased or accepted without any knowledge that the emissions reduction credits represented thereon were not real, surplus, permanent, and quantifiable, or that the person certifying the credits was in violation of any emissions limitation of a permit issued by the division or EPA, or any RACT or offset requirement under the Clean Air Act and RSA125-C.

II. There shall be no liability under RSA 125-J:8 and RSA 125-J:9 for a violation of an emissions reduction credits certificate or for a violation of a condition of a permit relating to the use of emissions reduction credits during the term of the certificate or permit for a person who has purchased or accepted a transfer of such a certificate for use as permitted under this chapter, and who can establish by a preponderance of the evidence that the certificate was purchased without any knowledge that the emission reduction credits represented thereon were not real, surplus, permanent, and quantifiable, or that the person certifying the credits was in violation of any emission limitation of a permit issued by the division or EPA, or any RACT or offset requirement under the Clean Air Act and RSA125-C.

125-J:11 Advisory Committee.

I. There is established the emissions trading advisory committee composed of the following members:

(a) Four representatives, appointed by the speaker of the house, of whom one is from the house science, technology, and energy committee; one is from the house environment and agriculture committee; and one is from the house economic development committee, and one of whom is a member of a minority party.

(b) Two senators, appointed by the senate president, of whom one is from the senate environment committee, and one is from the senate economic development committee.

(c) The commissioner of environmental services, or designee.

(d) The director of the division of air resources, department of environmental services.

(e) The commissioner of resources and economic development, or designee.

(f) The chairperson of the public utilities commission, or designee.

(g) The governor, or designee.

(h) The attorney general, or designee.

(i) Two members of the public, of whom one shall represent business and industry, and one shall represent an environmental organization, appointed by the governor.

II. The speaker of the house shall convene the first meeting no later than July 1, 1994. The committee shall elect a chairperson and vice-chairperson, and subsequent meetings shall be at the call of the chair or 6 or more committee members. The terms of the members shall be coterminous with their terms of office. The terms of the public members shall be 2 years.

III. The committee shall perform an ongoing evaluation of the effectiveness of the emissions reduction credits trading program and report its findings and recommendations to the governor and council, the speaker of the house, the senate president, the house environment and agriculture, the science, technology and energy, and the economic development committees and the senate environment and economic development committees by October 1 of each year.

IV. The committee shall also review and make recommendations to the commissioner on any proposed rule to be adopted under this chapter.

125-J:12 Rulemaking Authority; Submission.

I. Notwithstanding RSA 541-A, the commissioner shall adopt special temporary rules not subject to RSA 541-A as expeditiously as possible after the effective date of this chapter, except that the department shall hold a public hearing on the proposed special temporary rules and shall provide the public with notice of the hearing and an opportunity to testify and comment in writing, in accordance with the terms of the notice. The commissioner shall submit proposed rules pursuant to RSA 541-A no later than 1 year after the effective date of this chapter. Such temporary and permanent rules shall include, but not be limited to, the following:

(a) The forms and information required on applications for the certification of emissions reduction credits.

(b) The methods to be used to determine that emissions reductions by all eligible sources and devices are real, surplus, quantifiable, enforceable, and permanent for the life of the credit.

(c) The allowable emissions controls for use in achieving emissions reductions, including, but not limited to, early implementation of future emissions controls and seasonal controls.

(d) The criteria for the modification, suspension, and revocation of an emissions reduction credits certificate.

(e) The data and information required for the monitoring of ERCs.

(f) Public notice and hearing procedures for the certification and revocation of emissions reduction credits.

(g) Interstate trading of emissions reduction credits.

II. Any proposed special temporary rules to be adopted under paragraph I shall be submitted for review and recommendation to the emissions trading advisory committee and the air resources council at least 30 days prior to adoption. Any proposed rules to be adopted pursuant to RSA 541-A shall be submitted to the emissions trading advisory committee for review and recommendation at least 30 days prior to filing a notice of proposed rule with the director of legislative services under RSA 541-A:3-a.

3 Effective Date. This act shall take effect 60 days after its passage.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Senator Russman offered a floor amendment.

6419B

Floor Amendment to HB 1515-FN

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Motor Vehicle Emissions Inspection Station Bids; Competitive Bidding Requirement Deleted. The introductory paragraph of RSA 268:10, II is repealed and reenacted to read as follows:

II. The commissioner shall seek to obtain the highest quality service for the lowest possible cost to the public through proposals submitted by interested bidders. In the commissioner's review of the proposals, the commissioner shall give balanced consideration to the following:

AMENDED ANALYSIS

This bill:

I. Permits the department of environmental services to use surplus emissions reductions from stationary sources, mobile sources, area sources, and off-road sources to be used for economic development.

II. Adds definitions to the emissions reduction credits trading chapter.

III. Clarifies the process by which emission reduction credits are to be certified, used, and traded.

IV. Establishes an emissions trading advisory committee to evaluate the effectiveness of the emissions reduction credits program.

V. This bill also removes the requirement that the commissioner of safety seek competitive bids for emissions inspection stations.

SENATOR RUSSMAN: The problem was that somehow, in Legislative Services or somewhere, the translation got lost and so what came out in your program, and I use that word loosely, is not what the actual amendment was. The idea here is that the commission shall seek to obtain the highest quality service for the lowest possible cost for the public through proposals submitted by interested bidders. In his review of the proposal, the commissioner should give balanced consideration to the following. The idea is that if we did not have this language and the attorney general's office came over, then you would run into the same problem they had in the 911 bidding. So you really need this language. Matter of fact, the Department of Safety and the Department of Justice ask for this language in terms of the bidding. It still does the same thing, but it eliminates the idea of the potential lawsuits against the state of New Hampshire. If we don't award

it to one they are going to take us to court and so on. I will answer any questions that I can concerning it, and right after this we will be looking at an amendment that will make it three and three because we had four and two. So as you all know we want it to be equal representation on this committee. So I have another amendment coming after this one. But this one is the first one and the most important, in terms of the bidding process and making sure the state is covered.

Floor amendment adopted.

Senator Russman offered a floor amendment.

6425B

Floor Amendment to HB 1515-FN

Amend RSA 125-J:11, I(a) and (b) as inserted by section 2 of the bill by replacing them with the following:

(a) Three representatives, appointed by the speaker of the house, of whom one is from the house science, technology, and energy committee; one is from the house environment and agriculture committee; and one is from the house economic development committee. One of the 3 representatives shall be a member of a minority party.

(b) Three senators, appointed by the senate president, of whom 2 are from the senate environment committee, and one is from the senate economic development committee.

SENATOR RUSSMAN: This one as I said to you, now gives us equal representation with the House. We all know how that works, and we want to make sure that we have equal weight even if not numbers. We are going to have three and three, instead of four and two. That way we will have adequate representation on these committees that are going to be part of this program. So I would urge you to make sure that the Senate's interest is protected by giving us equal representation with the House members.

Floor amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 583, an act requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors. Insurance Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1309, an act prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops. Insurance Committee. Ought to pass with amendment. Senator Russman for the committee.

6327B

Amendment to HB 1309

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting insurance companies from mandating that automobile glass repairs be made at specific glass companies or locations.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Coercion in Requiring Glass Repair; Unfair Insurance Trade Practice. Amend RSA 417:4 by inserting after paragraph XIX the following new paragraph:

XX. COERCION IN REQUIRING GLASS REPAIR.

(a) No insurance company, and no agent or adjuster for such insurance company, that issues or renews in this state any policy of insurance covering, in whole or in part, motor vehicles shall require any insured person or entity under that policy to use a particular company or location for the providing of automobile glass replacement or repair services or products insured in whole or in part by that policy.

(b) No such insurance company, agent or adjuster shall engage in any act or practice of intimidation, coercion, threat, for or against any such insured person or entity to use such a particular company or location to provide such services or products.

(c) Nothing shall prohibit any insurance company, agent or adjuster from providing to such insured person or entity the name of an automobile glass company with which arrangements may have been made with respect to automobile glass prices or services. If a name is provided, there must be disclosure by the insurance company, agent or adjuster to the insured person or entity that any other automobile glass company or location may be used at the discretion of the insured person or entity. However, the insurer may limit payment for such work based on the fair and reasonable price in the area by repair shops or facilities providing similar services with the usual and customary guarantees as to materials and workmanship. For the purposes of this section "fair and reasonable price" means the average price between the specially arranged price as set by the insurance company and a dealer in the network and the price charged by the independent dealers in the area.

2 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill makes it an unfair insurance trade practice for insurance companies to require that automobile glass repairs be made at specific glass companies or locations.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1329-LOCAL, an act clarifying the definition of public employee for purposes of workers' compensation. Insurance Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6314B

Amendment to HB 1329-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

allowing certified clinical mental health counselors and marriage
and family therapists to obtain third party payments
for services rendered.

Amend the bill by replacing all after the enacting clause with the following:

1 Accident and Health Insurance; Certified Clinical Mental Health Workers and Marriage and Family Therapists. Amend RSA 415:18-a, I to read as follows:

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, psychologists, ***certified clinical mental health workers, marriage and family therapists*** and licensed pastoral counselors, are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III and IV.

2 Accident and Health Insurance; Certified Clinical Mental Health Counselors and Marriage and Family Therapists. Amend RSA 415:18-a, III(a) to read as follows:

(a) Benefits for services of a psychiatrist [or], psychologist, ***certified clinical mental health counselor, marriage and family therapist***, or licensed pastoral counselor who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses, and the ratio of the benefits to the fees reasonably and customarily charged for the services of such psychiatrists [or], psychologists, ***certified clinical mental health counselors, marriage and family therapists***, or licensed pastoral counselors shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

3 Accident and Health Insurance; Certified Clinical Mental Health Counselor and Marriage and Family Therapists. Amend RSA 415:18-a, IV to read as follows:

IV. In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a psychiatrist, a psychologist, ***a certified clinical mental health counselor, a marriage and family therapist***, a licensed pastoral counselor, a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services.

4 New Subparagraph; Definitions; Certified Clinical Mental Health Counselors; Certified Marriage and Family Therapists. Amend RSA 415:18-a, V by inserting after subparagraph (c) the following new subparagraphs:

(d) "Certified clinical mental health counselor" means an individual who is certified as a clinical mental health counselor under RSA 330-A.

(e) "Marriage and family therapist" means an individual who is certified as a marriage and family therapist under RSA 330-A.

5 Hospital Service Corporations; Certified Clinical Mental Health Counselors; Marriage and Family Therapists. Amend RSA 419:5-a, I to read as follows:

I. Every hospital service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, psychologists, ***certified clinical mental health counselors, marriage and family therapists***, and licensed pastoral counselors are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in RSA 419:5-a, II and III.

6 Hospital Service Corporations; Certified Clinical Mental Health Counselors; Marriage and Family Therapists. Amend RSA 419:5-a, III to read as follows:

III. In the case of policies or certificates providing benefits for hospital expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. If such a policy or certificate is issued jointly with a medical service corporation licensed under RSA 420 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services; except that such expenses may exclude charges arising from the professional services of a psychiatrist [or], a psychologist, ***a certified clinical mental health counselor, a marriage and family therapist***, or a licensed pastoral counselor who customarily bills patients directly rather than to a hospital, community mental health center or psychiatric residential program.

7 New Subparagraphs; Definitions; Certified Clinical Mental Health Counselors; Certified Marriage and Family Therapists. Amend RSA 419:5-a, IV by inserting after subparagraph (c) the following new subparagraphs:

(d) "Certified clinical mental health counselor" means an individual who is certified as a clinical mental health counselor under RSA 330-A.

(e) "Marriage and family therapist" means an individual who is certified as a marriage and family therapist under RSA 330-A.

8 Medical Service Corporations; Certified Clinical Mental Health Counselors; Marriage and Family Therapists. Amend RSA 420:5-a, I to read as follows:

I. Every medical service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group,

or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, psychologists, ***certified clinical mental health counselors, marriage and family therapists***, and licensed pastoral counselors, are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in RSA 420:5-a, II and III.

9 Medical Service Corporations; Certified Clinical Mental Health Counselors; Marriage and Family Therapists. Amend RSA 420:5-a, II(a) to read as follows:

(a) Benefits for services of a psychiatrist [or] psychologist, ***certified clinical mental health counselors, marriage and family therapists*** or licensed pastoral counselor who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses, and the ratio of the benefits to the fees reasonably and customarily charged for the services of such psychiatrists [or], psychologists, ***certified clinical mental health counselors, marriage and family therapists*** or licensed pastoral counselors shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

10 Medical Service Corporations; Certified Clinical Mental Health Counselors; Marriage and Family Therapists. Amend RSA 420:5-a, III to read as follows:

III. In the case of policies or certificates providing benefits for medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. If such a policy or certificate is issued jointly with a hospital service corporation licensed under RSA 419 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges of a psychiatrist [or], psychologist, ***certified clinical mental health counselor, or marriage and family therapist***, or licensed pastoral counselor who customarily bills patients directly.

11 New Subparagraph; Medical Service Corporations; Definitions; Certified Clinical Mental Health Counselors; Marriage and Family Therapists. Amend RSA 420:5-a, IV by inserting after subparagraph (c) the following new subparagraphs:

(d) "Certified clinical mental health counselor" means an individual who is certified as a clinical mental health counselor under RSA 330-A.

(e) "Marriage and family therapist" means an individual who is certified as a marriage and family therapist under RSA 330-A.

12 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows certified clinical mental health counselors and marriage and family therapists to obtain third party payments for services rendered which would otherwise qualify for such payments.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1390, an act establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D. Interstate Cooperation Committee. Ought to pass. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of ought to pass.

Adopted.

Referred to the Division on Finance (Rule #24).

HB 1175, an act relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. Judiciary Committee. Inexpedient to legislate. Senator Cohen for the committee.

SENATOR COHEN: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1180, an act modifying the arson statutes to include historic structures and increasing the penalty. Judiciary Committee. Ought to pass with amendment. Senator Colantuono for the committee.

6381B

Amendment to HB 1180

Amend RSA 634:1, II as inserted by section 1 of the bill by replacing it with the following:

II. Arson is a class A felony if the property damaged is an occupied structure and the actor knew it was an occupied structure *or an occupied or unoccupied historic structure*.

AMENDED ANALYSIS

This bill modifies the arson statutes to include historic structures and makes the penalty for such offense a class A felony.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1191-FN, an act relative to victims and victims' compensation. Judiciary Committee. Ought to pass with amendment. Senator Colantuono for the committee.

6383B

Amendment to HB 1191-FN

Amend RSA 21-M:8-h, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person who sustains personal injury as a result of a felony, [or] any person who sustains personal injury as a result of persons driving under the influence of alcohol or controlled substances, ***or any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed regardless of when the crime occurred***, is eligible for compensation. In the case of a child victim, the claimant, guardian ad litem, advocate or parent may claim compensation in the victim's stead. ***If the victim is incompetent or*** in the case of a victim's death as a direct result of the crime, [the victim's spouse, the parents of a victim who was a dependent child, or the victim's dependent children are eligible to claim compensation.] ***the immediate family of the victim is eligible to claim compensation***. In the case of a victim's disability as a direct result of the crime, the victim's [spouse or guardian] ***legal representative*** may claim compensation in the victim's stead.

Amend the bill by inserting after section 1 the following and renumbering sections 2-5 to read as 3-6, respectively:

2 Sentencing. Amend RSA 651:4-a to read as follows:

651:4-a Victims of Certain Violent Crimes Against a Person Permitted to Speak Before Sentencing ***and at Sentence Reduction or Suspension Hearings***. Before a judge sentences ***or suspends or reduces the sentence of*** any person for capital, first degree or second degree murder, attempted murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, first degree assault, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, the victim of the offense, or the victim's next of kin if the victim has died, shall have the opportunity to address the judge. The victim or victim's next of kin may appear personally or by counsel and may reasonably express his views concerning the offense, the person responsible, and the need for restitution. The prosecutor, the person to be sentenced, and the attorney for the person to be sentenced shall have the right to be present when the victim or victim's next of kin so addresses the judge. The judge may consider the statements of the victim or next of kin made pursuant to this section when imposing sentence ***or making a decision regarding sentence reduction***.

AMENDED ANALYSIS

This bill permits siblings in certain cases and victims of sexual abuse under the age of 18 at the time a claim is filed to receive awards from the victims' compensation fund.

This bill limits calling victim/witness advocates as witnesses unless such testimony is necessary.

This bill also permits victims and their next of kin to address the court during sentence reduction or suspension hearings.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1372, an act establishing the granite state cultural legacy award. Public Affairs Committee. Ought to pass with amendment. Senator Barnes for the committee.

6203B

Amendment to HB 1372

Amend RSA 21-K:17 as inserted by section 2 of the bill by inserting after paragraph IV the following new paragraph:

V. The committee shall be authorized to raise the funds necessary to fulfill the requirements of this section.

SENATOR BARNES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1572-FN, an act relative to the public employee labor relations board and filing fees and making an appropriation therefor. Judiciary Committee. Ought to pass with amendment. Senator Pignatelli for the committee.

6205B

Amendment to HB 1572-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to indexing public employee labor relations board decisions and filing fees and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Indexing of Decisions. Amend RSA 273-A:2, by inserting after paragraph VII the following new paragraph:

VIII. All board decisions shall be indexed in a timely fashion.

2 PELRB Complaints; Filing Fees. Amend RSA 273-A:6, II to read as follows:

II. Complaints shall be filed by affidavit *and shall be accompanied by a \$60 filing fee. Such fee shall be returned to the party who filed the complaint if the board rules in such party's favor.* A copy of the complaint shall be given to the party complained against at the time the complaint is filed. The board or its designee shall hold a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the representative of any party against whom a complaint has been filed. *Fees collected under this paragraph shall be used to pay indexing of board decisions.*

3 New Paragraph; Board Decisions. Amend RSA 273-A:6 by inserting after paragraph VIII the following new paragraph:

IX. Any order issued by the board shall contain findings of fact and rulings of law on which the order is based. Any other decision made by the board shall contain, in a written record of oral proceedings or other written document, findings of fact and rulings of law on which the decision is based.

4 New Section; Board Authorized to Receive Gifts. Amend RSA 273-A by inserting after section 16 the following new section:

273-A:17 Gifts, Grants, or Donations. The board is authorized to receive any gifts, grants, or donations and to disburse and expend such gifts, grants, and donations.

5 Contracting for Services. The public employee labor relations board may contract for services for the purpose of indexing its decisions.

6 Appropriation. The sum of \$6,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the public employee labor relations board for the purposes of this act. This appropriation is in addition to any other funds appropriated to the board. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill requires complainants to submit a filing fee and requires that orders issued by the board contain findings of fact and rulings of law.

This bill requires the board to index its decisions and permits the board to contract for services relative to indexing.

This bill also makes an appropriation to the board for the purposes of the bill.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 458-FN-LOCAL, an act requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause. Public Institutions, Health and Human services committee. Ought to pass with amendment. Senator McLane for the committee.

6349B

Amendment to HB 458-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

requiring a waiting period for certain applicants for general assistance who terminate their employment voluntarily and setting out certain procedural requirements for the administration of general assistance.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Eligibility for Assistance. Amend RSA 165 by inserting after section 1-c the following new section:

165:1-d Disqualification Under Certain Circumstances for Voluntary Termination of Employment.

I. Any person, otherwise eligible for assistance under this chapter, who has voluntarily terminated employment shall be ineligible to receive assistance for the period specified in paragraph V, provided the following conditions are met:

(a) The person received general assistance within the last 365 days and at that time was given notice that a voluntary termination of employment without good cause may lead to disqualification from receiving general assistance in the future;

(b) The employment that the person voluntarily terminated consisted of at least 20 hours of work per week;

(c) The person has not become re-employed for at least one week at a level consisting of at least 20 hours of work per week;

(d) There are no minor or dependent children in the person's household;

(e) At the time of termination of employment, the person did not have a full or partial mental or physical impairment that caused him to be unable to function adequately and consistently in the work environment;

(f) The person did not have good cause for terminating the employment, as defined in paragraph II; and

(g) The person is not in need of emergency assistance and lacking alternative sources of emergency aid such that denial of assistance will put that person or members of that person's household at substantial risk of injury to health or other serious harm.

II. Good cause for terminating employment shall include any of the following:

(a) Discrimination by an employer based on age, race, sex, color, physical or mental disability, religion, national origin, or political beliefs.

(b) Work demands or conditions that render continued employment unreasonable, including, but not limited to, sexual harassment.

(c) Retirement by a person 62 years of age or over or resignation by a person under 62 which is recognized by the employer as retirement.

(d) Employment which becomes unsuitable following the applicant's acceptance of such employment, including, but not limited to, unsuitability due to lack of transportation to and from work, lack of child care, and illness or disability of the applicant or illness or disability of a household member or relative requiring the presence of the applicant in the home.

(e) Acceptance of a bona fide job offer which, because of circumstances beyond the control of the applicant, subsequently does not materialize or results in only temporary employment or employment of fewer than 20 hours per week or at less than the state or federal hourly minimum wage or 80 percent thereof for work exempt from minimum wage regulatory standards.

(f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.

(g) Termination of employment for other good cause as determined with reference to public policy and the benevolent and humanitarian purpose of this chapter.

III. An applicant shall be considered to have voluntarily terminated employment if he fails to report for work without good cause, as defined in paragraph II, resulting in the termination of the applicant's employment. An applicant who is fired or resigns from a job at the request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.

IV. No person shall be found ineligible for assistance due to a voluntary employment termination unless the written notice that he receives stating the reason for the denial of assistance contains a description of the actions which must be taken in order to reinstate eligibility prior to the end of the disqualification period, along with a statement that he has the right, if a hearing is requested, to receive assistance pending the outcome of the hearing thereby delaying the running of the disqualification period until such time as a hearing decision is issued which confirms the original disqualification under this section.

V. Any person subject to disqualification under paragraph I shall be ineligible to receive assistance for a period of 30 days from the date of employment termination if he has not already been subject to disqualification under paragraph I within one year prior to the date of application. If a person has already been subject to disqualification under paragraph I within one year prior to the date of application and is again subject to disqualification under paragraph I, then the period of ineligibility shall be 60 days from the date of the most recent employment termination.

2 Administration of General Assistance. RSA 165:2 is repealed and re-enacted to read as follows:

165:2 Administration of General Assistance. The administrator of town or city welfare in each town or city shall:

I. Administer general assistance to all persons who are eligible for such assistance as provided under RSA 165:1-a and RSA 165:1-c.

II. Inform any person who indicates in any way that he is poor and standing in need of relief of the basic living needs for which assistance is available and that, unless he falls within the provisions of RSA 165:1-b, VI, he has a right to submit a written application for assistance and to receive a written determination of eligibility for assistance.

III. Unless he falls within the provisions of RSA 165:1-b, VI, provide any person indicating in any way that he wishes to apply for assistance with a timely opportunity to submit a written application for assistance and with notice of the requirements which must be met to establish eligibility for assistance.

IV. Provide all persons requesting assistance with a timely, written determination of eligibility for assistance.

V. Provide all applicants whose eligibility for assistance cannot be established due to incomplete information with timely notice of the nature of the required information and the fact that assistance will be provided in obtaining the information, if needed.

VI. Provide all persons requesting assistance who, for any reason, are not granted the full amount of assistance requested with a timely, written notice stating the reasons that assistance was not granted in full and informing the applicant of his right to request a hearing and to review a copy of the city or town's written guidelines for general assistance and state law relative to general assistance.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires certain persons applying for general assistance to wait 30 or 60 days if they terminated employment voluntarily without good cause and sets out certain procedural requirements relative to the administration of general assistance.

SENATOR MCLANE: This bill was a bill that was put in principally by the Municipal Association to try and limit welfare. The point of the bill as it was described was to try to get at those who would use the welfare system as a racket. We had long debates on the subject. Welfare officers, under the bill, would have had final say in those who they felt were misusing the system. They would have determined who was really mentally ill, who had kids in a household and what the household consisted of, what due notice consisted of, and would have decided those who had intentionally quit jobs in order to get welfare. We discussed this bill at length, and what we felt was a good compromise, was the language that is before you in the amendment. It protects the rights of the disabled, and it makes clear that welfare is food, shelter, and health care for kids, and for their parents if it is needed. I don't think that you can solve the welfare problem by putting it in the hands of local welfare officers. For that reason we set forth the amendment that describes the basic rights of the applicants and gives some power to the welfare officers. It means that if a welfare applicant is accused of leaving a job he can delay the disqualification period while he is waiting for his appeal. If he is denied, the disqualification then would go into effect. It says, in essence, that the disqualification period is 30 days for persons who have not been subject to the disqualifications within a year, and 60 days for those persons who have. This differs completely from the original bill which called for 90 days just like that. I think that we have done our best to be fair and to promote this as we would hope, so that people who really need the welfare payments, who have had an unpleasant experience in some way with a job or maybe are mentally ill or incapable of keeping a job, would not be denied benefits and that though in the original words of the original sponsor 'flog the system' would be called to task. So I think we have done our best, and I recommend the amendment.

SENATOR WHEELER: Mr. President, may I have a quorum call? This is a very important bill?

SENATOR HOUGH: The Chair declares a quorum.

SENATOR WHEELER: HB 458, is a rereferred bill from the House and it's a very good bill. I rise strongly opposed to the committee amendment, strongly in support of the bill that was sent to us from the House. HB 458, as passed by the House, was true welfare reform. HB 458, as passed by the House, says that if you are on welfare and you quit a job without just cause and you don't have minor children at home that you are supporting, then you cannot apply for welfare for 90 days. I think that is a very fair thing. Especially in light of the high property tax burdens that we have, this would be property tax relief. I don't think that it is fair for the citizens of the state who really need welfare to be soaking up those precious resources when people are abusing the system. We heard a lot of testimony from the New Hampshire Welfare Association, and they were also represented by the Municipal Association. Because this is so important, I would like to take a minute and read a list of towns who are in favor of the proposal that was passed by the House, but not in favor of the proposal as amended by the Senate Public Institutions, Health and Human Services Committee. They are the following: Laconia, Andover, Allenstown, Amherst, Belmont, Barnstead, Boscawen, Bristol, Bow, Barrington, Charlestown, Conway, Colbrook, Chichester, Canaan, Candia, Chester, Durham, Derry, Exeter, Greenfield, Epsom, Gilford, Epping, Farmington, Enfield, Gilmanton, Goffstown, Gorham, Grantham, Hollis, Haverhill, Hillsborough, Harrisville, Hancock, Hampton Falls, Henniker, Holderness, Hudson, Jaffrey, Hampton, Hooksett, Jackson, Kingston, Lincoln, Littleton, Lancaster, Mont Vernon, Meredith, Merrimack, Middleton, Moultonborough, Milton, Milford, Newport, New Ipswich, New Hampton, New Durham, Newton, Northwood, Northumberland, Pelham, Pembroke, Plainfield, Peterborough, Plaistow, Tilton, Rye, Raymond, Rumney, Swanzey, Seabrook, Strafford, Sanbornton, Warner, Weare, Wilmot, Windham, Wolfeboro, Woodstock, Wilton, Thornton, Nashua, Concord, Laconia, Somersworth, Portsmouth, Keene, Claremont, Berlin, Lebanon, Franklin, Rochester, Dover and Dunbarton. Very, very, strong show of support for the bill passed by the House. Very, very, negative for this bill as amended by the Senate committee. I would urge you to vote against this pending amendment and vote for the bill without the amendment as sent to us by the House.

SENATOR PODLES: Senator Wheeler, isn't it true that if we pass the original bill that came to us from the House, that it would be in violation of the Disability Act, because of the partially disabled persons, the mentally ill?

SENATOR WHEELER: I do not believe it is, and I don't believe that the House believed that it was in violation of that either.

SENATOR PODLES: Would you believe, that it would be so?

SENATOR WHEELER: If you say it is, Senator.

SENATOR MCLANE: I have two questions about that long list that you read off. First of all, were those the city councils or the communities or were they just the welfare officers in these communities?

SENATOR WHEELER: Senator McLane, that was a mix. Some of them were from the welfare offices. Here I have a letter from the Town of Merrimack and other towns, and some of it was people represented by the Welfare Administrative Association, some of those were individual welfare administrators that gave testimony or had input at the hearing.

SENATOR MCLANE: So that answers my question, that they were welfare officers and not the city councils and not the selectman in various communities?

SENATOR WHEELER: Senator Mclane, it was a mix. I have a letter from my selectmen in Milford and my welfare administrator. The letter from Merrimack is from the selectmen.

SENATOR MCLANE: My second question, Mr. President, is when you said Berlin, did you mean Berlin, Germany, or did you mean Berlin?

SENATOR J. KING: Senator Wheeler, did all these towns see the printed copy that we are looking at here today, with the amendment?

SENATOR WHEELER: The New Hampshire Local Welfare Administration Association has been in touch with all these towns and sent out a letter. They said if they can't have the House version, they want the bill killed.

SENATOR J. KING: Did they see the amendment that we have at the present time?

SENATOR WHEELER: Senator, I don't know if every individual town saw that letter. The Welfare Local Administration has spread the word throughout all of those towns and they are in general agreement.

SENATOR J. KING: Would you believe, that in my own town that they are in favor of the bill as amended? In fact, they are not in favor of the old one, and they don't think that we have gone far enough with the new one?

SENATOR WHEELER: Well, I might believe you, Senator J. King, except I did not read Manchester on my list.

SENATOR J. KING: I know you did not. Would you believe that some of the amendments, I will give you two or three of them, and the clauses concerning the disabled were amended to say that partially disabled persons who try to work and do quit due to disability are also protected. Language is added requiring the welfare office to warn recipients of the existence of voluntary quit disqualifications rules. So they know in advance the consequences of quitting a job. In exception of the two, that disqualify requirement is added where there is a true emergency, such as the applicant or someone in the household would be at a substantial risk. Those are the amendments that are added, so I find it hard to believe, Senator, that if they have seen these that they would be against them. Thank you, would you believe that?

SENATOR WHEELER: I am not quite sure what your question was, but to answer your statement, those reasons that you have listed are covered in the existing House bill are under "just cause." This is only if they quit without "just cause." And all of those things are covered by "just cause." But regarding the things that are bad with the bill and the other things, it sets up a lengthy appeal process. While a person is appealing the bill, it says that he will stay on welfare the whole time that he is appealing, and if he was wrong, he does not have to pay it back. This opens up the cities and towns to a lot of litigation, that is what the welfare administration feels. That's what I feel, and this is a bad amendment.

SENATOR J. KING: Would you believe, that I have been told in the past by some judges, particularly, that if you're going to make a mistake, make it on the side of mercy. I think that is what they were trying to do with this amendment here. If a person, if his welfare was to be taken away from him, instead of taking it away while repealing it, they allow him to have it. Then if they found that he was guilty of quitting of his job, then they would take

it from there and he would lose his welfare. So he would not have to pay them back for the periods prior to that. So the question there is, would you believe, that they did that to be fair and if you are going to make a mistake, make it on the side of mercy, not on the other side?

SENATOR WHEELER: Senator King, I am not quite sure what your question is again, but I will answer you in this way. With this amendment I do not believe that the welfare administrators are ever going to win.

SENATOR BALDIZAR: Senator Wheeler, you and I both sit on the committee that heard this bill. It is just surprising to me that we would construe the list that you read to mean such different things. My question is that the long list that you read, wasn't that a list of the communities in the state of New Hampshire that support a provision, a voluntary quit provision in the bill, but as Senator King pointed out, every name on that list that you read did not see the final version, so they obviously could not oppose it. Isn't that correct?

SENATOR WHEELER: I think the answer is the same as I answered Senator King. I can't guarantee you that every town on that list saw the amendment. But I do know that the New Hampshire Local Welfare Administration Association spread the word throughout all the towns that were involved in this bill, and it was their general feeling, that if this amendment is on it that they want the bill killed, but they would like to see the bill as passed by the House.

SENATOR HOLLINGWORTH: Senator McLane, there seems to be some confusion here, because I was under the impression according to some of the towns that I represent, that they were happy with the amendment. I also heard Senator Wheeler say something about the nature of the appeals process. It seems to me that what I have heard is while you may be able to keep collecting while you're going through the appeals process, at the end, if you were found in error, you still have to serve the amount of time before you can collect. So in fact, the towns do, in fact, have the chance not to provide services for a period of time that they so chose?

SENATOR MCLANE: You are absolutely correct. The word is delay.

SENATOR W. KING: Senator Wheeler, you represented to the Senate, today, that list that you read was people who were in favor of the original version and against the amendment?

SENATOR WHEELER: That is correct.

SENATOR W. KING: How many of those people on that list did you call and how many letters you can show me right now dealing with the amended version?

SENATOR WHEELER: I have one letter and it is not in my possession at the moment from the Welfare Association asking for the bill to be killed.

SENATOR W. KING: I have in my possession a letter, that does this, kind of like Joe McCarthy. In other words, you have no evidence whatsoever of their position?

Question is on the committee amendment.

A roll call was requested by Senator Wheeler.

Seconded by Senator Baldizar.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Disnard, Blaisdell, Baldizar, McLane, Podles, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: Fraser, Lovejoy, Currier, Roberge, Wheeler, Pignatelli, Colantuono, Barnes, Russman, Delahunty.

Yeas: 13 - Nays: 10

Amendment adopted.

Senator W. King offered a floor amendment.

6429B

Floor Amendment to HB 458-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

requiring a waiting period for certain applicants for general assistance who terminate their employment voluntarily, setting out certain procedural requirements for the administration of general assistance and promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor.

Amend the bill by replacing all after section 2 with the following:

3 New Subdivision; Economic Self-Sufficiency for AFDC Recipients.
Amend RSA 167 by inserting after section 68 the following new subdivision:

Economic Self-Sufficiency for AFDC Recipients

167:69 Findings and Purpose. The general court finds that elements of the New Hampshire program for Aid to Families with Dependent Children (AFDC) have caused members of families receiving AFDC who attempt to enter the workforce to face program penalties at a time when they should be receiving program support. Poor families can best be assisted in making a successful transition from public assistance to self-sufficiency when programs remove barriers and penalties for those who struggle for a better way of life for themselves and their children. Such persons should be provided financial and other self-development supports, including a range of educational and vocational training options needed to target well-paying employment opportunities. The following measures are intended to improve the rate at which low-income families are able to make the transition from public assistance to employment that produces a living wage. The following measures also simplify and streamline the AFDC eligibility determination process to decrease administrative costs and error rates and to allow greater agency focus on promoting long term self-sufficiency.

167:70 Rulemaking. The director of the division of human services shall adopt rules pursuant to RSA 541-A which:

I. Make available an additional year of child day care and transportation assistance for post-secondary education to JOBS program participants who have received the limit of support services under state policy as it existed in January 1, 1994, if job development and placement and job search activities are not sufficient to secure employment that produces a total household net income that meets the basic living needs of the household, and if it is determined that such additional assistance is consistent with the employability plan and would materially enhance the probability of securing adequate employment;

II. Extend AFDC-UP (Unemployed Parent) transitional assistance for a 6 month period after a principal wage earner begins working 100 hours or more a month if the family is still financially eligible for AFDC; and

III. Consolidate the shelter component and the maintenance component of the AFDC standard of need and payment standard, to simplify eligibility determination, reduce error rates, and to allow those who manage to save on their housing costs to realize a financial benefit from so doing.

IV. To the extent that federal law permits, the director of the division of human services shall also adopt rules pursuant to RSA 541-A which implement, as a component of the JOBS program, or the successor to the JOBS program, an option that allows AFDC recipients to fulfill JOBS requirements and receive JOBS services by participating in a privately administered and state approved self-employment investment program that provides small business loans of up to \$5,000 to enable participants to start micro-businesses, including in-home businesses. Participants shall receive case management, self-employment training and technical assistance, and supportive services funded through the JOBS program. These services may be provided on a contract basis by private, nonprofit agencies with access to loan capital. The director is authorized to seek, apply for, and receive private grants or charitable contributions in support of this program. Included in such rules shall be measures to:

(a) Allow individuals to set up a separate business bank account that is excluded from countable resources.

(b) Exclude business assets in determining resources under the asset limit.

(c) Allow self-employed individuals to use the accrual method of accounting, so that money in a bank account can be carried over and excluded from countable income as long as it can be matched with legitimate payables or forthcoming expenses, or saved in an unencumbered cash reserve, to be used for future investment in the business.

(d) Modify the definitions of "capital assets" and "tools of the trade" to allow self-employed individuals the maximum flexibility in acquiring assets.

4 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:70, I as inserted by section 3 of this act, which shall be the maximum amount available for such purposes. The sum of \$32,918 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:70, II as inserted by section 3 of this act. The sum of \$472,793 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:70, III, as inserted by section 3 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 3-4 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires certain persons applying for general assistance to wait 30 or 60 days if they terminated employment voluntarily without good cause and sets out certain procedural requirements relative to the administration of general assistance.

This bill provides for the simplification of AFDC eligibility determination procedures to decrease administrative costs and error rates.

This bill also requires that AFDC rules be amended to permit more AFDC recipients to participate in privately administered self-employment investment programs.

This bill makes an appropriation to the department of health and human services, division of human services, for the purposes of this act.

SENATOR W. KING: This amendment represents a bill that has been passed twice by this Senate on welfare reform with some minor changes made in the House just to make it a little bit less expensive. I would urge the committee to adopt this and make this a full blown welfare reform proposal.

Recess.

Out of recess.

Floor amendment adopted.

Ordered to third reading.

Senators Colantuono, Lamirande, Lovejoy and Wheeler in opposition to the floor amendment on HB 458.

Senators Currier, Colantuono, Lovejoy and Wheeler in opposition to original HB 458.

HB 1141-FN-A, an act eliminating cigarette stamps. Ways and Means Committee. Inexpedient to legislate. Senator McLane for the committee.

SENATOR MCLANE: This bill was put in by the Chairman of Ways and Means and myself that would have allowed the elimination of cigarette stamps. I don't feel that this is the correct move at this time, but it was the majority of my committee. Because I am the Chairman, I would go along with that majority.

Committee report of inexpedient to legislate is adopted.

HB 1100, an act relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Roberge for the committee.

6399B

Amendment to HB 1100

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the importation, possession and sale of wolf hybrids
and establishing a study committee on wolf hybrids.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Wolf Hybrid Regulation. Amend RSA by inserting after RSA 466 the following new chapter:

WOLF HYBRIDS

466-A:1 Definitions. In this chapter:

I. "Canine" means a member of a species of mammal consisting of dogs, wolves, jackals, foxes, and coyotes.

II. "Hybrid" means an offspring of 2 animals of different species or genera.

III. "Owner" means any person keeping, harboring, or having charge or control of a hybrid, or permitting any hybrid to habitually be or remain on, or be lodged or fed within such person's house, yard, or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises hybrids owned by other persons.

IV. "Person" means any individual, partnership, company, association, trust, corporation, governmental unit or agency, or any other legal entity.

V. "Wolf" means any canine classified as *Canis lupis* or *Canis rufus*.

VI. "Wolf hybrid" means any canine which has had a wolf ancestor within the previous 4 generations. This definition shall include a wolf or wolf hybrid as either a sire or dam, grandsire or dam, great-grand sire or dam or great-great grand sire or dam. An animal shall also be considered a wolf hybrid if it has been represented by its owner or former owner as having wolf ancestry.

466-A:2 General Applicability. The provisions of RSA 466, RSA436:99-109 and RSA 644:8, shall apply to this chapter, except as modified by the provisions of this chapter. The licensing requirement of RSA 466:1 shall not apply until January 1, 1995.

466-A:3 Prohibitions.

I. No person shall sell, offer for sale, trade, give away, acquire, import, export, exhibit, release or cause to be released a wolf hybrid in the state of New Hampshire, except as provided in paragraph II.

II. No person shall possess a wolf hybrid, except for:

(a) Those wolf hybrids that the person owns while residing in New Hampshire on the effective date of this chapter;

(b) Those wolf hybrids born in New Hampshire to a canine that was both pregnant with such wolf hybrids and owned in New Hampshire on the effective date of this chapter. Such offspring, and wolf hybrids that are both owned in New Hampshire and less than 3 months of age on the effective date of this chapter may be sold, offered for sale, traded, given away or acquired until January 1, 1995;

(c) Those wolf hybrids used as sled dogs; or

(d) Those wolf hybrids used by law enforcement agencies.

III. Any person possessing or acquiring a wolf hybrid shall keep accurate licensing and vaccination records, as required by RSA 466-A:2, which shall be available for inspection by an animal control officer or law enforcement officer.

466-A:4 Vaccination. The owner of a wolf hybrid shall be required by the veterinarian administering the rabies vaccination, as required by RSA436:100, to sign an affidavit in the presence of a veterinarian indicating awareness that the use of the canine-approved vaccine on wolf hybrids is experimental and acknowledging that neither the veterinarian administering the vaccine nor the manufacturer of the vaccine shall be liable in the event the wolf hybrid contracts rabies. The commissioner of the department of agriculture shall determine the form and content of this affidavit by rules adopted pursuant to RSA 541-A. If the commissioner of agriculture makes a determination that the rabies vaccine is proven to be effective when administered to wolf hybrids, then the signing of this affidavit shall no longer be required.

466-A:5 Confinement. Each wolf hybrid shall be under the physical control of the owner or confined in an enclosure or structure sufficient to prohibit escape. Adequate facilities and shelter, clean of waste and debris and free of infestation, shall be provided for keeping such animal.

466-A:6 Penalty. Any person failing to meet the requirements of this chapter shall be guilty of a class A misdemeanor.

2 Study Committee Established; Members. There is established a committee to study issues relative to wolf hybrids including but not limited to importation, possession and breeding such canines in the state. The committee shall consist of the following members:

I. One senator, appointed by the president of the senate.

II. Two representatives, appointed by the speaker of the house.

III. The commissioner of the department of agriculture, or designee.

IV. The executive director of the department of fish and game, or designee.

V. One member representing the New Hampshire Humane Society, appointed by the society.

VI. One owner of a wolf hybrid, appointed by the governor.

VII. One licensed veterinarian, appointed by the New Hampshire Veterinarians Association.

VIII. One municipal animal control officer, appointed by the New Hampshire Municipal Association.

IX. The executive director of the New Hampshire Wildlife Federation, or designee.

X. One AKC registered dog owner, appointed by the governor.

XI. Two present or former wolf hybrid breeders, appointed by the governor.

XII. One wolf ecologist, appointed by the governor.

3 Meetings; Mileage. The first named house member shall call the first meeting within 30 days of the effective date of this section. The members shall elect a chairperson at the first meeting. Members shall serve without compensation except that legislative members shall receive legislative mileage.

4 Report. The committee shall submit a report of its findings, including recommendations for legislation, to the speaker of the house, senate president and governor no later than December 1, 1994.

5 Repeal. RSA 466-A relative to wolf hybrids, is repealed.

6 Effective Date.

I. RSA 466-A:4 as inserted by section 1 of this act shall take effect on January 1, 1995.

II. Section 5 of this act shall take effect July 1, 1995.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill regulates the importation, possession and sale of wolf hybrids. Such regulation is prospectively repealed July 1, 1995.

This bill also establishes a committee to study issues relative to wolf hybrids.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Senator Roberge offered a floor amendment.

6423B

Floor Amendment to HB 1100

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. Two senators, appointed by the senate president.

SENATOR ROBERGE: Mr. President, the bill was incorrectly drafted. It had two Representatives and one Senator, and we all feel very strongly that we want equal representation on these statutory committees, so we felt the need to amend, and that is all that the amendment does.

Floor amendment adopted.

Ordered to third reading.

HB 1112, an act permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials. Wildlife and Recreation Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1144-FN, an act permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee. Wildlife and Recreation Committee. Split report: Ought to pass with amendment. Senator Wheeler for the committee. Split report: Ought to pass with amendment. Senator Cohen for the committee.

6386B

Amendment to HB 1144-FN

Amend the title of the bill by replacing it with the following:

AN ACT

permitting the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer and relative to the license fee and establishing a special firearm license, license fee and season.

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Purpose. The white-tailed deer is a prolific and popular game species subject to weather and management induced fluctuations in density and offers significant opportunities for recreation. To take full advantage of the recreational opportunity provided by this resource and to increase flexibility and effectiveness in its management, it is desirable to issue a special deer permit when population levels can support such harvest.

2 New Sections; Special Deer Permit Established; Special Firearm Season Established. Amend RSA 208 by inserting after section 5-a the following new sections:

208:5-b Special Deer Permit. The executive director may issue a special deer permit to a licensee licensed under RSA 214:9, 208:5, or 205:5-a. Such special deer permit shall allow the taking of one additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for a special deer permit.

208:5-c Special Firearms. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, upon payment of a fee of \$10 by residents or a fee of \$22 by nonresidents, shall be issued a special firearms license. A special firearms license shall not be required for residents less than 16 years of age, but such person while hunting with a special firearm shall be accompanied by a properly licensed person who is 18 years of age or over and must also comply with all provisions of this chapter. The special firearms license shall entitle the holder to hunt deer with a single shot center fire firearm with a 14 inch barrel or less. The season for this license shall be concurrent with the muzzle-loading firearm season.

AMENDED ANALYSIS

This bill permits the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer, including setting the permit fee.

This bill also establishes a special firearm license and special firearm license season. A special firearm is a single shot center fire firearm with a 14 inch barrel or less.

SENATOR WHEELER: The Senate Wildlife committee was split right down the middle on this issue, three to three. Wildlife committee is bringing forth two amendments. The amendment that I support sets up a New Hampshire sport, with a New Hampshire firearm made right here in New Hampshire. What the amendment does is, during the muzzle loading season, allow a person to hunt with a special firearm, which would be a firearm with a 14" or less barrel, center fire firearm and single shot. This type of a firearm would give sportsmen a new challenge. They would have to pay for a new license, another license fee to hunt during this time on top of their muzzle loading fee. We feel that the sportsmen in this state, and we have been asked by the sportsmen in this state, to sponsor something like this. I would ask you to support me in this endeavor.

SENATOR SHAHEEN: Senator Wheeler, I missed the last part of your remarks, who did you say requested this bill?

SENATOR WHEELER: I have been asked to try to get a season like this from many sportsmen in the state.

SENATOR SHAHEEN: Hunters. Did your district ever request it?

SENATOR WHEELER: Just regular, ordinary constituent voters, that all.

SENATOR LOVEJOY: Senator Wheeler, you said that this special firearm is made in New Hampshire. Can you tell us where it is made in New Hampshire?

SENATOR WHEELER: A firearm that fits this description is made by Thompson Center Arms, in Rochester. They may not be the only manufacturer, but it is certainly a New Hampshire made firearm.

SENATOR LOVEJOY: Would you believe Senator, that Thompson Arms in Rochester is one of the stalwarts in our area economy? It has been a steady employer, has done a fine job and is known world wide. Would you believe how I am going to vote on this?

SENATOR WHEELER: I certainly would, Senator Lovejoy, and for the economic benefit of your district, and for the sportsmen of New Hampshire, I think that is a great idea.

SENATOR LAMIRANDE: Senator Wheeler, don't we already have muzzle loader season on deer and bow and arrow season on deer?

SENATOR WHEELER: Senator Lamirande, we have a bow season for deer. We have a muzzle loading season for deer, and a regular firearm season for deer, which may include short barreled arms.

SENATOR LAMIRANDE: What would this bill do, add something else to it?

SENATOR WHEELER: This bill would create a season that would run concurrent with the muzzle loading season, for a single shot center firearm with 14" barrel or less. It adds a new sport to deer hunting. It is very difficult to shoot deer with a short barreled firearm. You have to get a lot closer and that is very difficult. You only get one shot and you have to make it good.

SENATOR LAMIRANDE: It is very difficult from what I understand, to shoot a deer with a muzzle loader or with an bow and arrow? Why do we need something else?

SENATOR WHEELER: I think it is very appropriate if you look at the rest of the bill. The bill is asking to allow the Fish and Game Department to allow you to take two deer instead of the current one deer. Many wildlife management units in the state say there is a surplus of deer, more than the habitat can hold, can maintain. This would give another mechanism to control the population and keep the herd healthy.

SENATOR LAMIRANDE: Would you believe, that I think that the overpopulation of hunting would lie in the moose, not in the deer? I think that needs to be controlled, not the deer. I think the Fish and Game Department is allowing the taking of does now, as well as bucks, would you believe?

SENATOR WHEELER: Well, Senator, I would not believe. There is very clear evidence that in many wildlife management units that the deer are certainly overpopulated to the detriment of the herd, and I would remind you that deer and moose feed on many of the same things.

SENATOR LAMIRANDE: Would you believe that it is the moose that are killing the population of human beings in the State of New Hampshire? I think that is something that should be addressed and not the deer.

SENATOR WHEELER: Well, moose are not in the bill, Senator Lamirande.

SENATOR MCLANE: Do you know if the Fish and Game Commission and the Fish and Game Department, are supporting this bill?

SENATOR WHEELER: Well, it is my understanding that there has been no formal vote for Fish and Game Commission. But they do not like this idea.

SENATOR MCLANE: I guess my other question is, if I were a deer, and I think that I am, would I be in favor of this bill?

SENATOR WHEELER: I don't know, Senator McLane, you have to ask yourself.

SENATOR BARNES: Senator, I read in the paper recently, and you just brought it in the testimony, that there are certain counties in this upcoming hunting season that are going to be allowed to take more deer than what the law states now? Does that have anything to do with this bill?

SENATOR WHEELER: Yes, it certainly does, Senator Barnes. The main part of this bill is going to allow the Fish and Game Department to have a hunter take two deer in certain wildlife management units by firearms or any means.

SENATOR BARNES: Well I don't see those counties that I read in the newspaper included in this bill?

SENATOR WHEELER: I think that authorization is this bill is meant to be a flexible authorization. The state Wildlife Management has broken the state up into many different units, so the deer population can be controlled differently in different parts of the state.

SENATOR ROBERGE: Senator Wheeler, are you aware that your portion, your amendment, was overwhelmingly opposed in the House in February? Now you are attempting to tack something that the House has already rejected onto a bill at the eleventh hour? Would you believe, that I am going to vote against your amendment?

SENATOR WHEELER: Senator Roberge, I know that this bill was rejected in the House. But I'd also remind you that on this very same bill last year, was attached Senator Bourque's "Shadow" amendment that was defeated in the House, and Senator W. King's farming amendment that was killed in the House.

SENATOR COHEN: I am passing out some information about this particular amendment. The bill itself, as the other amendment, I think, is good. It is a deer management tool. But this bill has been overwhelmingly opposed in the House, in a different form. The intention of the Wheeler amendment is to glorify and legitimize handguns by tying them to the practice of hunting. There is a political purpose to this particular amendment and it must

be defeated. There is no demonstrated support from the hunting community or from the Fish and Game for this. It would only divide legitimate hunters. This would put the Fish and Game Department in the business of managing people as opposed to managing wildlife. It is extremely important to defeat this particular amendment.

SENATOR WHEELER: Isn't it true that it is already legal to use a small arm during regular firearm season for deer and a small arm muzzle loader if you wish?

SENATOR COHEN: Yes it is. That is another reason why this is completely unnecessary.

Question is on the committee amendment #6386.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: Lovejoy, Currier, Disnard, Wheeler, Colantuono, Delahunty.

The following Senators voted No: Lamirande, W. King, MacDonald, Fraser, Roberge, Blaisdell, Baldizar, Pignatelli, McLane, Podles, Barnes, J. King, Russman, Bourque, Shaheen, Hollingworth, Cohen.

Yeas: 6 - Nays: 17

Amendment fails.

6382B

Amendment to HB 1144-FN

Amend the title of the bill by replacing it with the following:

AN ACT

permitting the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer and relative to the permit fee.

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Purpose. The white-tailed deer is a prolific and popular game species subject to weather and management induced fluctuations in density and offers significant opportunities for recreation. To take full advantage of the recreational opportunity provided by this resource and to increase flexibility and effectiveness in its management, it is desirable to issue a special deer permit when population levels can support such harvest.

2 New Section; Special Deer Permit. Amend RSA 208 by inserting after section 5-a the following new section:

208:5-b Special Deer Permit. The executive director may issue a special deer permit to a licensee licensed under RSA 214:9, 208:5, or 205:5-a. Such special deer permit shall allow the taking of one additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for a special deer permit.

AMENDED ANALYSIS

This bill permits the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer, including setting the permit fee.

This bill is a request of the department of fish and game.

SENATOR COHEN: HB 1144 with this amendment permits the executive director to issue special permits to allow the taking of additional deer. It is a deer management tool. Deer are getting out of control right now. We need the recreational opportunity provided by an increase in population levels. As amended by the committee, it only changes licensing to permits. That is the only difference from the House version. This will elevate the need of constant changes in legislation for license fees. Permit fees could be established without the use of legislation. The Wildlife committee urges ought to pass as amended.

Amendment adopted.

Ordered to third reading.

HB 1282, an act allowing coyote hunting at night. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Wheeler for the committee.

6391B

Amendment to HB 1282

Amend RSA 208:1-e as inserted by section 2 of the bill by replacing it with the following:

208:1-e Coyote Hunting at Night. No person shall hunt or take any coyote between the hours of 1/2 hour after sunset and 1/2 hour before sunrise, except by trap in accordance with the provisions of this title, without first obtaining a valid license for such activities from the department of fish and game. The executive director of fish and game, with the consent of the commission, shall establish, by rules adopted under RSA541-A, a night hunting season for coyote. Such rules shall include the length of the season and requirements for landowner permission. Coyote may be taken from baited areas.

SENATOR WHEELER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1422-FN-LOCAL, an act relative to the dog control laws and the portion of the dog license fee retained by municipalities. Wildlife and Recreation Committee. Ought to pass with amendment. Senator Cohen for the committee.

6124B

Amendment to HB 1422-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the dog control laws and the portion of the dog license fee retained by town and city clerks.

Amend the bill by replacing sections 1-3 with the following:

1 Certificate in Triplicate. Amend RSA 436:102 to read as follows:

436:102 Duties of Veterinarian. It shall be the duty of each veterinarian, at the time of vaccinating any dog or cat, to complete a certificate of rabies vaccination in [duplicate] *triplicate* which includes the following information: owner's name and address, description of dog or cat (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies vaccine administered, [and] manufacturer's serial number of vaccine, *and the expiration date of the vaccination*. Distribution of

copies of the certificate shall be: the original to the owner, [and a] **one** copy retained by the issuing veterinarian **and, within 40 days of the vaccination, one copy to the town or city clerk where the dog or cat is kept.** The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in RSA 436:100. A metal or durable plastic tag, serially numbered, shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, [whether on or] off the owner's premises **and not under the control of the owner or handler while working the dog**, the collar or harness with the vaccination tag shall be worn. **For the purposes of this section, "working the dog" means a dog doing a defined functional canine activity with its owner or handler such as hunting, field work, drafting, and herding or participating in any lawful competitive event, including, but not limited to, conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities pertinent to functional canine activities.** Cats shall not be required to wear the collar or harness with the tag.

2 Exception for Group Licenses Deleted. Amend RSA 466:1-a to read as follows:

466:1-a Vaccination Required. Before a license is issued under the provisions of this subdivision[, except under the provisions of RSA 466:6], the owner or keeper of a dog shall furnish to the clerk [a certification] **verification from a licensed veterinarian** that [said] **the** dog has been vaccinated against rabies in accordance with the provisions of RSA[442-A] **436. Persons applying for a group license under RSA466:6 shall also furnish to the clerk verification from a licensed veterinarian that the dogs have been vaccinated against rabies in accordance with RSA 436.**

3 New Sections; Rabies Certificate; Law Enforcement Officers. Amend RSA 466 by inserting after section 1-a the following new sections:

466:1-b Rabies Certificate. Upon receipt of a copy of a rabies certificate from a veterinarian pursuant to RSA 436:102, the clerk of the town or city shall send written notice to the owner or keeper of any unlicensed dog relative to the licensing requirements provided for in RSA466:1. If the owner or keeper of the unlicensed dog fails to license the dog in a timely manner, the town or city clerk shall notify the local law enforcement officer of a violation of RSA 466:1.

466:1-c Authorization to Issue Licenses; Local Law Enforcement Officers. The town or city clerk may authorize a local law enforcement officer to issue licenses and collect license fees pursuant to RSA 466:4. For the purposes of this section, a local law enforcement officer means the local police department of the city or town, the dog officer in a city or town, or a humane society which performs animal control functions as may be designated by the local governing body. The town or city clerk shall determine the criteria for the receipt of funds and recordkeeping.

Amend the bill by replacing section 7 with the following:

7 Warrants; Proceedings. RSA 466:14 is repealed and reenacted to read as follows:

466:14 Warrants; Proceedings. The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local law enforcement officer directing the officer to issue a civil forfeiture for each unlicensed dog or seize any unlicensed dog and hold it in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner

of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

Amend RSA 466:31, II(b) as inserted by section 10 of the bill by replacing it with the following:

[(a)] **(b)** If it barks for sustained periods of [time] *more than 1/2 hour*, or during the night hours so as to disturb the peace and quiet of a neighborhood or area;

AMENDED ANALYSIS

This bill:

(1) Requires a copy of a certificate of rabies vaccination for a dog or cat to be forwarded to the town or city clerk.

(2) Allows a town or city clerk to authorize a local law enforcement officer to issue dog licenses.

(3) Increases the portion of the dog license fee to be retained by town and city clerks from \$.50 to \$1.

(4) Increases the civil forfeiture penalty paid by the owner of an unlicensed dog and requires that the case be disposed of in court if the forfeiture is not paid within 96 hours.

(5) Modifies the procedure for issuance and return of the warrant which directs local law enforcement officers to issue civil forfeiture or seize unlicensed dogs.

(6) Increases the fines and penalties for violations of the laws regarding unlicensed dogs and menace, nuisance and vicious dogs.

SENATOR COHEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1403, an act requiring the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year upon failing to require necessary proof for the issuance of a license and making such person guilty of a class B misdemeanor. Wildlife and Recreation Committee. Ought to pass. Senator Roberge for the committee.

SENATOR ROBERGE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator J. King moved to have **HB 1133**, an act allowing organization members' spouses to assist at bingo games, taken off the table.

Adopted.

HB 1133, an act allowing organization members' spouses to assist at bingo games. Ought to pass.

SENATOR J. KING: This bill was tabled because someone thought that they wanted to amend it, but found out that they did not want to amend it. As the bill now stands, all charitable organizations that conduct bingo

games for charitable purposes, may allow sons and daughters who are bona fide members and who are at least 18 years of age to assist with the operation of the bingo game. All this does is add to that group 'spouses' which is very, very, important. I think it ought to pass.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Lovejoy moved to have **HB 389**, an act relative to the disclosure of certain historical information regarding property, taken off the table.

Adopted.

HB 389, an act relative to the disclosure of certain historical information regarding property. Ought to pass.

SENATOR LOVEJOY: This bill was asked to be tabled by Senator Hollingworth. She wanted some time to go over it, and she wanted to take it back and discuss it with some of her constituents. She has done that.

Adopted.

Senator Lovejoy offered a floor amendment.

6284B

Floor Amendment to HB 389

Amend RSA 477:4-d, I as inserted by section 1 of the bill by replacing it with the following:

I. Any agent of a seller of real property shall be prohibited from disclosing that such real property is or was inhabited by a person infected with a communicable disease.

AMENDED ANALYSIS

This bill prohibits agents of sellers of real estate from disclosing to prospective buyers that the property was occupied by a person infected with a communicable disease. The bill also declares that no cause of action shall arise against an owner of real property for failure to disclose that the property was the site of a homicide, other felony, or a suicide.

SENATOR LOVEJOY: Senator Hollingworth has talked about the floor amendment 6284B, she has agreed to it as acceptable. We certainly urge your support on this and get it into law so that it is not before us any longer. We have had this in front of us all session, I think. It has been worked, and reworked, and reworked, by everyone involved. I think everyone here has had a part in it, and now we have something that is agreeable and I urge you to pass it.

Floor amendment adopted.

SENATOR COLANTUONO: Reading the amended analysis, does the bill as amended by the floor amendment still deal with the issue of homicide?

SENATOR LOVEJOY: Yes, it does.

SENATOR COLANTUONO: The only change that we made was that we broadened it to any communicable disease rather than the issue of AIDS?

SENATOR LOVEJOY: That is correct, rather than targeting anything, yes.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Colantuono having voted on the prevailing side moved that we reconsider **HB 1368**, establishing a commission to examine governmental reorganization, whereby we ordered it to third reading.

SENATOR COLANTUONO: This is a bill that came out of the House. Actually it sets up a commission to study governmental reorganization. You may recall when the bill came out of Executive Departments, it came on the floor, and we did make a change to the bill. We set back the date that the report has to be filed for a full year, because it is a big job. There was one other problem with the bill in the committee that we forgot to address at the time, and I have a floor amendment if we can reconsider this. It will address the issue that we talked about upstairs. The issue of balance between Senate and House members. The bill has three House members, two appointed by the majority leader and one appointed by the Democratic leader, and then two members of the Senate, one appointed by the Republican leader and one appointed by the Democratic leader, which is a little bit unprecedented. My floor amendment would just simply say three members of the House appointed by the Speaker and three members of the Senate appointed by the Senate President.

Adopted.

HB 1368, establishing a commission to examine governmental reorganization.

Senator Colantuono offered a floor amendment.

6310B

Floor Amendment to HB 1368

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) Three members of the house, appointed by the speaker of the house.

Amend subparagraph I(c) of section 2 of the bill by replacing it with the following:

(c) Three members of the senate, appointed by the senate president.

SENATOR COLANTUONO: As I stated, this floor amendment simply evens out the process it states that three members from the House be appointed by the Speaker and three members from the Senate be appointed by the Senate President.

Floor amendment adopted.

Ordered to third reading.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments.

HB 635, relative to social security cost-of-living increases to residents of residential care facilities and community residences and establishing a committee to study the rate structure of residential care facilities.

HB 1272, requiring the pari-mutuel commission to pay for certain laboratory urine tests.

HB 1394, reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle.

HB 1585, consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds.

SB 534, relative to condominium common assessments.

SB 539, establishing a committee to study the issue of exclusivity contracts between health care insurers and health care providers.

Senator Carrier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1109, relative to dual enrollment.

HB 1116, relative to the release of health care data.

HB 1165, repealing requirements for a census of disabled students, and providing for additional special education reimbursement for certain pupils.

HB 1208, creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters.

HB 1225, relative to access to medical care.

HB 1377, requiring an optometrist or ophthalmologist to release prescriptions for replacement contact lenses, and setting certain fees for certain out-of-state business registration and renewal.

HB 1383, relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction.

HB 1416, relative to liens on manufactured housing.

SB 532, relative to jewelers' liens.

SB 597, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard.

SB 652, making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families.

SB 695, relative to the financial regulation of life and health insurers.

SB 751, deleting the restriction on the number of hours which part-time assistant attorneys general may work.

SB 803, relative to land surveyor licensing examinations.

HB 599, establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment.

HB 1105, limiting the suspension of sentences.

HB 1173, prohibiting a right turn on red when a walk signal is on.

HB 1242, establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire.

HB 1293, amending the charter of the union school district of Keene.

HB 1325, requiring the publication of an AIDS/HIV handbook.

SB 555, relative to health insurance which covers family members and making technical corrections to the insurance laws.

SB 750, relative to the medical examiner and establishing a committee to study the office of the medical examiner.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 210, limiting the operation of closed-course competition OHRV's.

HB 1115, relative to violations of RSA 205-A.

HB 1207, relative to the administration of small estates.

HB 1233, making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments and making a plan administrator liable for failing to meet certain employee notification requirements.

HB 1319, requiring the state to fully fund the Augenblick formula by FY 1996.

HB 1339, relative to bank boards of directors or trustees.

HB 1468, allowing builders to use native lumber when the lumber is certified or stamped by a New Hampshire wood processing mill.

HB 1506, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail.

HB 1529, relative to the apportionment, priority of and limitations on bridge betterment funds.

HB 1574, extending the reporting deadline for certain study committees.

HB 1581, establishing a committee to study the University of New Hampshire cooperative extension.

HJR 20, urging the United States Congress to include certain segments of US Rt. 2 in the new "National Highway System."

SB 527, relative to terms of legislative members of the state board of claims.

SB 564, relative to authentication of municipal and county bonds.

SB 628, relative to regulations of youth camps.

SB 690, establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees.

SB 734, relative to fireworks.

SB 736, relative to the taxation of grantor trusts.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Wednesday, May 11, 1994 at 10:00 a.m.

Adopted.

ANNOUNCEMENTS

SENATOR BALDIZAR (Rule #44): I am going to clear up the mystery about the other flowers that appear before us. Senator King, Senator Disnard and Senator McLane, they are from me. So the mystery is solved. I guess I just wanted to say, and today is probably a very opportune time to say it, the Senate Chamber is going to look very differently to those who come here next year. Some of us may come back and some of us won't, but we know for sure that Senator McLane, Senator W. King and Senator Disnard won't. This has been my first term, and I have had an incredible opportunity to work with all of you, in particular, Senator McLane, Senator W. King and Senator Disnard, and even those of us in the same party have not always agreed and have not always voted the same way on all of the bills. Certainly, those of us in the opposite party have sometimes agreed and voted together on the same bills. I guess I want to thank them for their courage, for their leadership, their commitment to public service, and the example that they have set. They have spent many years in this body, and I think they have made the state of New Hampshire a better place, and I think that they have been very good role models for the people of the state of New Hampshire, and for those of us in the Senate. I just want to thank you for the opportunity that I have had to work with all of you.

SENATOR MCLANE (Rule #44): I want to thank my friend Barbara, and those roses are absolutely lovely. I was going to give them to Jack Barnes because I heard it was for the people who were leaving, and he would not take them. They are beautiful and I thank you very much. I want to thank Debbie McLeod for a fantastic thing, which was to get glasses for all of the Senate before they were sold out at the Christa McAuliffe Planetarium. And to make our day. It was thoughtful, and wonderful, and I think Debbie is greatly to be congratulated.

SENATOR DISNARD (Rule #44): Senator Baldizar, it is late in the afternoon and I do not have many words, thank you.

SENATOR W. KING (Rule #44): Mr. President, I just thought you would all be interested in knowing that I have just heard that the photograph of the Senate watching the eclipse and a story to go with it is being carried world wide.

SENATOR HOLLINGWORTH (Rule #44): Today was a happening, we saw the eclipse. I think for a lot of us there was another happening. Today in South Africa we saw Mandela sworn in as the President of that country. For many of us over the years, we never thought that it would happen. It was a miracle truly come true. I think that all of us are happy and wish that country good health and happiness and a future. One of the things that Mandela said is that he never wanted the sun to set where there was discrimination against people. I hope that is true for all nations.

LATE SESSION

Third Reading and Final Passage

HB 279, an act prohibiting certain household cleansing products containing phosphates.

HB 389, an act relative to the disclosure of certain historical information regarding property.

HB 458-FN-LOCAL, an act requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause.

HB 583, an act requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors.

HB 1100, an act relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines.

HB 1112, an act permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials.

HB 1133, an act allowing organization members' spouses to assist at bingo games.

HB 1144-FN, an act permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee.

HB 1180, an act modifying the arson statutes to include historic structures and increasing the penalty.

HB 1240, an act permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water.

HB 1282, an act allowing coyote hunting at night.

HB 1285-FN-LOCAL, an act permitting solid waste management districts to contract with certain persons for solid waste management services.

HB 1309, an act prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.

HB 1329-LOCAL, an act clarifying the definition of public employee for purposes of workers' compensation.

HB 1368, establishing a commission to examine governmental reorganization.

HB 1372, an act establishing the granite state cultural legacy award.

HB 1391, an act relative to consumer protection and going out of business sales.

HB 1403, an act requiring the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year upon failing to require necessary proof for the issuance of a license and making such person guilty of a class B misdemeanor.

HB 1422-FN-LOCAL, an act relative to the dog control laws and the portion of the dog license fee retained by municipalities.

HB 1512, an act requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee.

HB 1588-L, an act altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Wednesday, May 11, 1994 at 10:00 a.m.

Adopted.

Adjournment.

May 11, 1994

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

Let us pray. There is an Arab proverb which says, "One hour of justice is worth a hundred hours of prayer." I would go a step further than that. I think that frequently promoting genuine justice and offering prayers are just about the same thing. So why don't we just let the work you do this morning and afternoon be today's prayer. So remember to say "Amen" when you adjourn.

Amen

Senator J. King led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

NOTICE OF RECONSIDERATION

Senator Cohen served notice of reconsideration on **HB 1100**, an act relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 661-FN-A, relative to the highway and bridge betterment program. and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John Chandler
Terry Pfaff
Winston McCarty
Jon Cloutier

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 661-FN-A, relative to the highway and bridge betterment program.

Senator MacDonald moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: MacDonald, Cohen, Lamirande.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1231, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gene Chandler
 Sandra Keans
 Kathy Rogers
 Fred Peyron

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1231, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial.

Senator Roberge moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Barnes, J. King, MacDonald.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 589, relative to the powers of fiduciaries in environmental matters.

SENATE NON CONCURS AND REQUEST A COMMITTEE OF CONFERENCE

SB 589, relative to the powers of fiduciaries in environmental matters.

Senator Russman moved non concurrence and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Fraser, Russman, Lamirande.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 592, relative to the display of expired motor vehicle plates.

SENATE NON CONCURS AND REQUEST A COMMITTEE OF CONFERENCE

SB 592, relative to the display of expired motor vehicle plates.

SENATOR MACDONALD: This bill here, what happened is this is Senator Barne's bill. What happened is that they wiped the bill out over in the House. And feeling sorry for Senator Barnes, I felt that we ought to non concur. What they did was to correct a problem of how high your truck or bumper is. They are working on an amendment to put Senator Barne's piece back on there. He cried like a baby when they did that, so I had no other choice.

Senator MacDonald moved non concurrence and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: MacDonald, Bourque, Roberge.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 719, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.

**SENATE NON CONCURS AND REQUEST
A COMMITTEE OF CONFERENCE**

SB 719, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.

SENATOR RUSSMAN: The original bill established a committee to study the feasibility of implementing the Squam Lake Watershed Plan. The only Senate change added a section which reads, "Mountain Lakes District pursuant to RSA 675:3. The Mountain Lakes District, a village district established pursuant to RSA 52 in the town, of Haverhill, is hereby authorized to enact zoning ordinances in the courts provisions of RSA 675.. The House amendment changed the membership of the study committee and left out the Senate amendment.

Senator Russman moved non concurrence and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: W. King, MacDonald, Pignatelli.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 558, relative to imposing late payment fees on retail credit customers.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 558, relative to imposing late payment fees on retail credit customers.

SENATOR FRASER: Mr. President, the amendment for the House on SB 558, relative to imposing late payment fees on retail credit customers, sim-

ply includes late fees, "to section 8 under other charges." This bill allows holders of consumer credit agreements to impose late fees for any installment payment which is late.

Senator Fraser moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 701-FN-A-LOCAL, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee.

SENATE NON CONCURS AND REQUEST

A COMMITTEE OF CONFERENCE

SB 701-FN-A-LOCAL, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee.

SENATOR COLANTUONO: Yes, in this bill the House took out the appropriation for the lakes region facility and made some other changes which we do not agree with. So we are requesting a Committee of Conference.

Senator W. King moved non concurrence and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: W. King, Fraser, Colantuono.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1415-LOCAL, relative to approval of the goals and future conditions section of the master plan by the local legislative body.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Hess
 Tom Rice
 Ed Putnam
 Linda Foster

SENATE ACCEDES TO HOUSE REQUEST FOR

A COMMITTEE OF CONFERENCE

HB 1415-LOCAL, relative to approval of the goals and future conditions section of the master plan by the local legislative body.

Senator Roberge moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: J. King, Lovejoy, Pignatelli.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 585, increasing penalties for certain acts of cruelty to animals.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 585, increasing penalties for certain acts of cruelty to animals.

SENATOR COHEN: Yes, SB 585 is a matter of both second or subsequent defenses of certain acts of animal cruelty and mutilation and torture or other certain acts or mistreatment of an animal to be considered as a class B felony.

Senator Cohen moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 552, providing for ownership rights in dies and molds under certain conditions.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 552, providing for ownership rights in dies and molds under certain conditions.

SENATOR CURRIER: This bill as amended establishes a procedure as ownership rights in dies, molds, forms and patterns. This bill states that the customer owns the die, the mold, form and/or the pattern. Unless an agreement has been made to the contrary or the customer does not claim the possession. If the piece is unclaimed then the rights may be passed on to the molder. In the event that a customer under contract for a die or molds for more patterns and ceases to make patterns, SB 552 establishes a lien procedure for collecting debts that are due.

Senator Currier moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 541-FN-LOCAL, allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 541-FN-LOCAL, allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments.

SENATOR J. KING: What happened here is that this is the exact same as the original bill was. In the process in the Senate, Senator Fraser was asked to add all the other major agencies. When it got to the House they took them all out and he concurred with it.

Senator J. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 760-FN-A-LOCAL, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 760-FN-A-LOCAL, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees.

SENATOR BLAISDELL: These are just technical amendments that were requested by the DRA. All that the House amendment does is it change two dates. We ask for concurrence.

Senator Blaisdell moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 591, relative to the aerial application of pesticides.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 591, relative to the aerial application of pesticides.

SENATOR RUSSMAN: The original bill established rules which must be followed to receive permits for aerial pesticide application to any residential neighborhood or rural community. The amendment guts the bill and is more lenient. It requires a notification of aerial pesticide application to certain residential and rural areas. It would be nice if people knew they were going to be sprayed so they could take evasive action.

Senator Russman moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 603, relative to the definition and payment of salaried employees.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 603, relative to the definition and payment of salaried employees.

SENATOR CURRIER: SB 603 amended by the House defines the term salaried employees, and further clarifies the payment of salaried employees. A very simple amendment that we concur with.

Senator Currier moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 637-FN, relative to a pilot program concerning the use of deicing alternatives and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 637-FN, relative to a pilot program concerning the use of deicing alternatives and making an appropriation therefor.

SENATOR MACDONALD: This bill originally started a pilot program in Nashua, not using salt to deice. What they did over in the House was they removed the good appropriation, the big appropriation of \$1.00 that we put on it. They removed section two, which set the purpose. But they left the pilot program in the bill. That is what we wanted was the program, and the \$1.00, I am not worried about that.

Senator MacDonald moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 733-FN, requiring certification of athletic trainers, including fees for certification.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 733-FN, requiring certification of athletic trainers, including fees for certification.

Senator Currier moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 752-FN, relative to signage on highways and signage fees and continually appropriating a special fund.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 752-FN, relative to signage on highways and signage fees and continually appropriating a special fund.

SENATOR MACDONALD: This goes back to the logo program. What they did was, the language changes the language on the fees. It says the fees will be reasonable and equitable. The fees collected will not be used as a money making venture by the state, but instead, will be at a level that will pay the costs. They removed from the original bill a dedicated fund, and I can see no problem with what they did, except that we could have added billboard signs on here if we wanted to.

Senator MacDonald moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 754-FN, directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 754-FN, directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

SENATOR COHEN: The House keeps it at the same basic intent. The language is a little bit different, it just cleans it up and it still keeps the pressure on the AG to pursue the case in the interest of the state of New Hampshire.

Senator Cohen moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 763, establishing an executive board for community service.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 763, establishing an executive board for community service.

SENATOR ROBERGE: This amendment repeals the executive board that was established in the original bill on June 30, 1997.

Senator Roberge moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 768-FN, relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 768-FN, relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways.

SENATOR RUSSMAN: Deferred to Senator Hollingworth.

SENATOR HOLLINGWORTH: These were just technical changes that the House made and we checked these with the department over at the PUC and they are in agreement, and it is a good piece of legislation.

Senator Russman moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 805, reorganizing and making further amendments to the administrative procedure act.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 805, reorganizing and making further amendments to the administrative procedure act.

SENATOR CURRIER: SB 805 was amended by the House. The committee shall have the authority to amend and provide final approval of the drafting and the procedural manual developed by the director of Legislative Service and the commissioner of Administrative Services under RSA 541:a. This bill will also now require that each agency shall conform to this drafting procedure manual and the rules subject to the amendment and the final approval by the committee. The House also replaced section 52, the application to include the uniform system of numbering and drafting, which has been a major problem with the administrative rules procedure for some time. A lot of work and effort went into this bill from the executive branch to the legislative branch, including the chairmanship of Senator Hollingworth who did a very commendable job. I am sorry she is not here to hear that. We recommend that this bill be the first step for improving the administrative rules procedure.

Senator Currier moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1447-FN, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sandra Dowd
Larry Emerton
Merton Dyer
Bonnie Groves

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1447-FN, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs.

Senator J. King moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: J. King, McLane, Podles.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 667-FN, relative to guardians ad litem appointed in child protection cases.

SENATE NON CONCURS AND REQUEST**A COMMITTEE OF CONFERENCE**

SB 667-FN, relative to guardians ad litem appointed in child protection cases.

Senator Podles moved non concurrence and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Podles, Hollingworth, Baldizar.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House Bill:

HB 1050, establishing the health care transition fund, making certain appropriations, and clarifying the procedure relative to the uncompensated care administration fund.

6242B

Enrolled Bill Amendment to HB 404

Amend section 1 of the bill by replacing lines 2 and 3 with the following: inserting after paragraph XV the following new paragraph:

XVI. "Business organization" means any enterprise, whether

SENATOR CURRIER: This enrolled bill amendment renumbers a new RSA paragraph to avoid duplicating the numbering in a new paragraph already inserted by 1994, 8:1, in house bill 541 that was already passed.

Senator Currier moved adoption.

Adopted.

6374B

Enrolled Bill Amendment to HB 1117

Amend RSA 357-D:2, XIII as inserted by section 2 of the bill by replacing line 1 with the following:

XIII. "New motor vehicle" means a

Senator Currier moved concurrence.

SENATOR CURRIER: This enrolled bill amendment corrects the wording of the definition inserted by section 2 of the bill to conform with the style of other definition language used in the RSA section.

Senator Currier moved adoption

Adopted.

6390B

Enrolled Bill Amendment to HB 1143

Amend lines 3-10 of section 1 of the bill by replacing them with the following:

211:62-f Illegal Taking of Clams.

I. Notwithstanding any other law to the contrary, a person is guilty of a misdemeanor if such person:

(a) Takes clams (*Mya arenaria*) between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.

(b) Takes or possesses in one calendar day more than one bushel, liquid measure, of unshucked clams, while on or leaving any clam flat or any waters under the jurisdiction of this state.

II. Any person convicted of violating subparagraph I(a) or I(b) shall
SENATOR CURRIER: This enrolled bill amendment renumbers paragraphs of a new RSA section inserted by the bill to conform with the usual RSA format. No changes were made to the wording of the section other than converting the word paragraph to subparagraph. It does not allow Senator Cohen to go clamming.

Senator Currier moved adoption.

Adopted.

6389B

Enrolled Bill Amendment to HB 1216

Amend section 1 of the bill by replacing line 16 with the following:

employees and except that there shall be no such exclusion in determining employer status for the purposes of RSA 281-A:23-b (alternative work opportunities), RSA 281-A:25-a (reinstatement) and RSA 281-A:64 (safety).

SENATOR CURRIER: I want to just kind of indicate to the Senate, that part of the dilemma that we are having with some of these bills is that some of the bills have been in study committees and other enactments have taken place prior to this and so forth. So we are correcting some problems, because of the delay in the amending and dealing with some of the other measures have come along, and that is where the number schemes have come into play. That is part of the reason for this long enrolled bills report this morning. This bill 1216, this enrolled bill amendment incorporates wording in RSA 281a:2 added by the 1994 statutes which was HB 1579. Section one of the bill amends an RSA section that has already been amended by another 1994 session law. This enrolled bill amendment clarifies the new wording that was already signed into law, and should not be eliminated from the bill.

Senator Currier moved adoption.

Adopted.

6363B

Enrolled Bill Amendment to HB 1323-FN

Amend section 1 of the bill by replacing lines 3-4 with the following:

any person [or entity which] ***certified as a vocational rehabilitation provider under RSA 281-A:68 or RSA 281-A:69 and who*** operates for the purpose of

SENATOR CURRIER: This enrolled bill amendment corrects a grammatical error. It replaces the word 'which', part of the current law, with an

appropriate word 'who'. This change is necessary because of the language added to this section of the law by the bill.

Senator Currier moved adoption.

Adopted.

6372B

Enrolled Bill Amendment to HB 1335-FN

Amend RSA 502-A:8 as inserted by section 2 of the bill by replacing line 2 with the following:

all fines and forfeitures paid into the district court from any source. The clerk of any district or municipal court may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited in the general fund and not out of the penalty assessment charged by a district or municipal court.

SENATOR CURRIER: This bill is a little more technical than most. This enrolled bill amendment corrects and restores a minute text in RSA section amended by section 2 of the bill. The incorrect text was inadvertently copied into the bill, although the RSA section number was correct. One of the purposes of this bill is to delete a reference to witness fees from RSA sections dealing with the municipal and district courts. The text of the municipal court section was copied twice, once which actually belongs in section one of the bill, and once incorrectly, in section two, where the district section should be. The second line of the section two bill will have to be replaced with the proper wording. The remainder of section two is correct and needs no further changes.

Senator Currier moved adoption.

Adopted.

6373B

Enrolled Bill Amendment to HB 1568-FN-LOCAL

Amend section 2 of the bill by replacing line 4 with the following:

radon or other *health* hazards [to health] present in indoor air[.]; **and** provide

SENATOR CURRIER: This enrolled bill amendment inserts bracketed material which was omitted from the bill, to clarify that such language was being deleted. The purpose was to clarify legislative intent in the history by indicating that this bill is deleting two words from the current law. This change is not currently indicated in the bill.

Senator Currier moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings. and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

Representatives: Bev Rodeschin
Karen McRae
Gary Gilmore
Stan Peters

COMMITTEE REPORTS

HB 1187, an act relative to the signature of manufactured housing park owners on deeds and the fee for such signature. Banks Committee. Ought to pass with amendment. Senator Baldizar for the committee.

6298B

Amendment to HB 1187

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the signature of manufactured housing park owners on deeds and the fee for such signature and relative to land fee increases in manufactured housing parks.

Amend the bill by replacing section 2 with the following:

2 Land Fee Increases. Amend RSA 205-A:6 to read as follows:

205-A:6 Fees, Charges, Assessments.

I. A manufactured housing park owner or operator shall fully disclose in writing all terms and conditions of the tenancy including rental, utility and service charges, prior to entering into a rental agreement with a prospective tenant. No charges so disclosed may be increased by the park owner or operator without specifying the date of implementation of said increase, which date shall be no less than 60 days after written notice to the tenant *in accordance with paragraph II, if applicable*. Nothing in this section, however, shall be construed to permit a park owner or operator to vary the terms of a written or oral rental agreement without the express written consent of the tenant.

II. Any notice informing the tenant of an increase in the land fee shall disclose any of the following information that applies:

(a) Identification of the specific operating expenses which the increase is intended to offset, and the amount of the increase in such operating expenses.

(b) The amount of the increase in property taxes which the increase is intended to offset.

(c) Identification of any capital improvement which the increase is intended to offset, and:

(1) The cost of the capital improvement; and

(2) The term and the interest rate of the loan, if any, with which the owner financed the capital improvement.

(d) Specific explanation of any reason for the increase not explained in this paragraph.

III. The notice requirements of paragraph II shall not apply to a manufactured housing park owner or operator who uses written rental agreements outlining the terms and conditions of the tenancy, including, but not limited to, the amount of rent.

IV. Any land fee increase shall not include any costs included under RSA 205-A:2, IX.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires a manufactured housing park owner who is requested to sign a manufactured housing warranty deed to sign the deed no later

than 15 days after the new tenant is approved. The bill also limits the fee for such a signature to no more than \$25, which fee is to be paid by the tenant.

This bill also specifies the information to be included in the written notice required to be given by the manufactured housing park owner to the tenant of a manufactured housing park prior to a land fee increase. The notice requirement does not apply when there is a written rental agreement.

SENATOR BALDIZAR: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1469-LOCAL, an act relative to the definition of "impact fee" for the purpose of innovative land use controls. Economic Development Committee. Ought to pass with amendment. Senator W. King for the committee.

6153B

Amendment to HB 1469-LOCAL

Amend RSA 674:21, V as inserted by section 1 of the bill by replacing it with the following:

V. As used in this section "impact fee" means a fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; *the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member* public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space. No later than July 1, 1993, all impact fee ordinances shall be subject to the following:

SENATOR W. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

6435B

Floor Amendment to HB 1469-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the definition of "impact fee" for the purpose of innovative land use controls and relative to homeowner's insurers duty to defend in certain actions.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Insurer's Duty to Defend. Amend RSA 508:14 by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other provision of law, any insurer who insures, under a homeowner policy, a land owner, occupant, or lessee, who has permitted the land to be used for the purposes of paragraph I, shall not be liable to defend the land owner, occupant, or lessee in an action for personal injury or property damage contemplated under paragraph I to the extent

that the personal injury or property damage is covered by insurance obtained by the municipality or other governmental entity sponsoring the recreational activity.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

Under present law, a municipality may assess an impact fee for the construction or improvement of certain capital facilities which are owned or operated by a municipality. This bill adds the municipal capital facilities portion of a cooperative or regional school district of which the municipality is a member to those facilities for which an impact fee may be assessed.

The bill also mitigates a homeowner's insurer's duty to defend in certain actions if the insured permitted the property to be used for certain recreational purposes and the municipality or governmental entity sponsoring the recreational activity has obtained insurance which would cover the injury or damage.

SENATOR LAMIRANDE: What the amendment does is there is a law on the books right now, and I have a copy of that attached to the amendment. It is land owners liability limited. What the law says right now is, "an owner of land who without charge permits any person to use his land for recreational purposes or as a spectator of recreational activities or who leases his land to the state or political subdivision of the state for such purposes, shall not be liable for personal injury or property damage to any person in the absence or willful wanton or reckless conduct by such owner." If you have a snow machine and you drive it over someone's property and it is privately owned property, that person is not liable because you choose to drive over his property. What this bill does is also includes anyone such as a landowner who gives to a city or a town for purposes for public use as far as municipalities, to be able to have functions in his field so that the homeowner's property is not liable, because the individual town has already obtained insurance. What the bill says is, "notwithstanding any other provision of law, any insurer who issues under a homeowners policy, a land owner, occupant, or lessee who has permitted the land to be used for the purposes of paragraph one," which I just read, "shall not be liable to defend the landowner, occupant, or lessee in action for personal injury or property damage contemplated under paragraph one to the extent that the personal injury or the property damage is covered by insurance obtained by the municipality." Does anybody understand?

SENATOR CURRIER: Was this subject matter which is the subject of this floor amendment brought up in committee or in any other piece of legislation this session?

SENATOR LAMIRANDE: No.

SENATOR CURRIER: It seems very, it does not seem to be a simple matter and I am just wondering why is it coming to the floor, when half the people here are not paying attention to what is going on?

SENATOR LAMIRANDE: I just want to explain what the situation is here. A small town that I represent, okay, every year they have functions in that town like field day. This particular owner lets them use his field for these functions. The person also has homeowners insurance coverage. The town gets insurance to cover anyone who gets injured on the property. What this is saying is that if the town has insurance, then it is responsible for the coverage if anyone were to get injured there, but nothing to do with the property itself. All it says is that if anyone was to get injured on the property at the time the function is being preformed, then the town is responsible because the town is the one who gets the insurance.

SENATOR CURRIER: Is this amendment endorsed by the New Hampshire Municipal Association or any other organization that deals with municipalities?

SENATOR LAMIRANDE: This has not been brought up to them, no.

SENATOR COLANTUONO: Is the intent of this to say that the landowner is not liable or, which I do not think this says, or is the intent to let the insurance company off the hook and say they don't have the duty to defend the landowner, but the landowner still then could be personally liable without his insurance, which I think this does say?

SENATOR LAMIRANDE: Okay, let me try to answer that. What the law says right now, is that if a landowner allows the use of his land such as snow machines to travel over his land, he is not liable for any injury that might occur because of recklessness or whatever on his property. The law says that right now in New Hampshire; that is why I attached that RSA. It does not say specifically, that if a person wishes the town for a school function or whatever, to use his land or his field, for the school function, it doesn't indemnify the homeowners policy from not having to pay any coverage if anyone was going to get hurt while those functions were going to be performed. What this bill is hopefully trying to do, alright, is to say that the town that uses the property, does get insurance for that purpose.

Recess.

Out of recess.

Senator Lamirande withdraws her motion for the floor amendment.

Senator Colantuono moved to have **HB 1469-LOCAL**, an act relative to the definition of "impact fee" for the purpose of innovative land use controls, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1469-LOCAL, an act relative to the definition of "impact fee" for the purpose of innovative land use controls,

HB 1185-FN, an act relative to fees charged for the registration of private pesticide applicators. Economic Development committee. Ought to pass with amendment. Senator Pignatelli for the committee.

6279B

Amendment to HB 1185-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fees charged for the registration of private pesticide applicators and relative to reinstating local control over hazardous or endangering practices of pesticide use.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Effect on Local Ordinances. Amend RSA 430 by inserting after section 49 the following new section:

430:50 Effect on Local Ordinances. Nothing in this subdivision shall be deemed to preempt the authority of municipalities to enact local ordinances or regulations governing pesticides, provided, however, that the requirements imposed under this subdivision shall be considered as minimum.

5 Repeal. RSA 430:49, relative to preemption of local regulation in the governance of pesticides, is repealed.

6 Effective Date.

I. Sections 1-3 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that private pesticide applicators pay the same registration and examination fees as commercial applicators.

The bill also repeals the preemption of local regulation in the area of pesticide use, registration, sale, and transportation.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1462-LOCAL, an act relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems. Economic Development Committee. Ought to pass. Senator Lamirande for the committee.

SENATOR LAMIRANDE: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1429-LOCAL, an act exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator J. King for the committee.

6418B

Amendment to HB 1429-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

temporarily exempting certain programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

Amend the bill by replacing section 1 with the following:

1 Municipal Recreation Programs Temporarily Exempt from Child Day Care Licensing Regulation. To allow time for consideration of the report submitted by the committee established in section 2 of this act, the definition in RSA 170-E:2, IV shall not apply to the following groups from the effective date of this act until July 1, 1995:

(a) Municipal recreation programs.

(b) Special activities programs including athletics, craft instruction, and similar activities conducted on an organized basis by civic, charitable, and governmental organizations.

AMENDED ANALYSIS

This bill provides that certain programs shall be temporarily exempt from state child day care licensing regulation, and it establishes a committee to study future directions for state child care licensing policies and regulations.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

SENATOR DISNARD: Senator, why would we allow a municipal or a daycare center or child care center, not to pay certain fees when we require a private to do that?

SENATOR J. KING: You are talking about licensing?

SENATOR DISNARD: Yes.

SENATOR J. KING: What this does, is it sets up a study committee to review the municipal exemption or any other ones that are exempted for a two year period of time. Then they will continue the way that they are and the study committee will come back with their recommendation.

SENATOR DISNARD: If they continue with paying their license.

SENATOR J. KING: They will continue just as they are doing now.

Amendment adopted.

Ordered to third reading.

HB 1456, an act relative to mental health care service providers. Public Institutions, Health and Human Services Committee. Ought to pass. Senator McLane for the committee.

Senator J. King moved to have **HB 1456**, an act relative to mental health care service providers, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1456, an act relative to mental health care service providers.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 518, relative to life and health insurance policy language simplification.

SENATE NON CONCURS AND REQUEST

A COMMITTEE OF CONFERENCE

SB 518, relative to life and health insurance policy language simplification.

Senator Blaisdell moved non concurrence and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Blaisdell, Hollingworth, McLane.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 580-FN, establishing a committee to study future directions for New Hampshire child care licensing policies.

SENATE NON CONCURS AND REQUEST

A COMMITTEE OF CONFERENCE

SB 580-FN, establishing a committee to study future directions for New Hampshire child care licensing policies.

Senator J. King moved non concurrence and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: J. King, McLane, Baldizar.

HB 1461, an act establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire. Public Institutions, Health and Human Services Committee. Ought to pass with amendment. Senator J. King for the committee.

6417B

Amendment to HB 1461

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire, making certain appropriations to the department of health and human services and establishing the New Hampshire health care reform coordinating committee.

Amend the bill by replacing section 5 with the following:

5 Health Care Transition Fund Allocation.

I. The following sums are appropriated as indicated for the fiscal year ending June 30, 1995, and shall be charged against the health care transition fund, if established:

(a) The sum of \$705,000 is appropriated to the office of the commissioner, department of health and human services for the purpose of establishing the office of health planning to develop, under a process established by the legislature, a state health plan which implements the goals and principles for health care reform contained in HCR 1 as adopted by the general court on March 4, 1993, to develop policy options for the department and its divisions, and to coordinate data collection functions of all agencies involved in health care reform activities.

(b) The sum of \$750,000 is appropriated to the office of alcohol and drug abuse prevention for the following:

(1) To expand halfway houses and residential programs for adults, adolescents and women and children.

(2) To establish crisis intervention and social detoxification services in areas currently unserved.

(3) To support medical heroin detoxification and related residential services.

(4) To support comprehensive programs for persons with mental illnesses and substance abuse problems.

(c) The sum of \$1,335,000 is appropriated to the division of public health services for the following purposes:

(1) To develop health clinics to provide primary preventive health services for low-income and underserved populations.

(2) To establish a statewide network of family support services of families of children with chronic illness.

(3) To recruit primary care physicians, nurse practitioners, and physician assistants, support them in serving rural areas and areas of high primary care needs, and establish linkages to facilitate academic training and consultations.

(4) To provide technical assistance to communities, health care agencies, and primary care providers developing comprehensive care services.

(d) The sum of \$1,387,500 is appropriated to the division of mental health and developmental services for the following purposes:

(1) To develop and maintain services to meet the mental health needs of children and families which shall include family-centered individual support services necessary to improve the mental health status of children who have or who are at risk of having serious emotional disorders.

(2) To prepare for and respond to state and federal health care reform initiatives including the design and development of information systems required for service planning, cost allocation, and monitoring services utilization.

(3) To prepare and submit for approval a waiver to federal Medicaid regulations under section 1115 of Title XIX of the Social Security Act for the development of a range of community-based services for adults and children with serious mental illnesses to include the integration of components of New Hampshire hospital with the community mental health system.

II. The sum of \$1,951,000 is appropriated for the fiscal year ending June 30, 1996, to the office of the commissioner, department of health and human services for the purpose of establishing a subsidized insurance program providing affordable comprehensive coverage for low-income workers employed in small businesses. This appropriation shall be a charge against the health care transition fund, if established.

III. The appropriations made in paragraphs I and II shall be established in separate accounts and shall not be transferred or used for any other purpose. Unexpended balances shall lapse to the health care transition fund.

6 Positions Authorized. The agencies receiving appropriations under section 5 of this act are authorized to establish such positions as are necessary to carry out the provisions of this act subject to approval of the fiscal committee and governor and council. Funds to support salaries, benefits and related expenses for these positions shall be a charge against the health care transition fund, if established.

7 New Subdivision; New Hampshire Health Care Reform Coordinating Committee. Amend RSA 126-A by inserting after section 102 the following new subdivision:

New Hampshire Health Care Reform Coordinating Committee
126-A:103 New Hampshire Health Care Reform Coordinating Committee.

I.(a) There is hereby created a New Hampshire health care reform coordinating committee. The committee shall consist of 16 members as follows:

(1) The commissioner of health and human services.

(2) The insurance commissioner.

(3) One representative, appointed by the speaker of the house.

(4) One senator, appointed by the president of the senate.

(5) Three health care providers, including one person with professional experience as a primary care practitioner and graduate training and experience in health planning or public health policy, one person with significant knowledge and experience in the area of hospital administration and health care financing and cost containment, and one person with significant knowledge and experience in the area of long-term care, including in-home care.

(6) Two health care purchasers who are owners or chief executive officers of businesses in this state, including one person who heads a business with more than 250 employees working in the state and one person who heads a business in the state with fewer than 50 employees.

(7) Three health care consumers. At least one of the consumer members shall have significant knowledge of social service delivery systems and the needs of the medically underserved.

(8) The governor and the attorney general, as ex officio members.

(9) A person involved in medical education.

(10) A representative of the healthy kids corporation, appointed by the healthy kids corporation board.

(b) The consumer and business members shall be without any present or past professional affiliation with, financial interest in, or employment by any segment of the health care industry.

II. The member involved in medical education and the provider, purchaser and consumer members of the committee shall be appointed by the governor and council.

III. The members appointed by the governor shall be appointed for terms of 4 years, except that, of the initial members, 3 members shall be appointed for a term of 2 years, 3 shall be appointed for a term of 3 years, and 3 shall be appointed for a term of 4 years. Committee members who are members of the general court shall serve for a 2-year term or until their successors are appointed. The commissioners shall serve coterminous with their term in office. The terms of initial members shall include an additional period of time between appointment and September 15, 1994. The members may be reappointed for one additional term. The chair and vice-chair shall be elected by the committee members at the first meeting. Members shall not serve as chair or vice chair for more than 2 consecutive 2-year terms.

IV. A member of the committee may resign upon written notice to the governor. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term of the original appointee. A member of the committee may be discharged pursuant to RSA 4:1.

V. The members of the committee appointed by the governor shall not receive a salary but shall receive mileage at the state employee rate and shall be reimbursed for reasonable expenses incurred in carrying out their duties under this subdivision. Legislative members shall receive legislative mileage when attending to their duties on the committee.

126-A:104 Administration of the Committee; Rulemaking.

I. The commissioner of health and human services, with the approval of the committee, may make professional and support staff from within the department of health and human services available to the committee and may also employ consultants and contract with individuals and entities for the provision of services as necessary to accomplish the purposes of this subdivision.

II. The commissioner, in consultation with the committee, shall adopt rules, under RSA 541-A, necessary to implement the provisions of this subdivision.

126-A:105 New Hampshire Health Plan.

I. It is the intent of the legislature to create the New Hampshire health plan in order to provide a vehicle for health care reform. The New Hampshire health plan shall be developed by the committee and the office of health planning and development with public input. The plan shall incorporate and implement the goals and principles for health care reform contained in HCR 1 as adopted by the general court on March 4, 1993. It shall represent a comprehensive, coordinated approach to health care reform and shall be composed of multiple goals and strategies. The legislature intends that the plan address specific goals and strategies related to access to health services, cost containment, quality of care, insurance reforms, data collection and analysis, information availability, financing, and

reforms in regulatory programs. The plan shall specify subgoals, quantifiable objectives, strategies, and resource requirements necessary to implement the goals and principles for reform stated in HCR 1.

II. A health resource allocation plan shall be included as a component of the state health plan. The resource allocation plan shall utilize available data to assess the health status of residents of this state, evaluate the adequacy, accessibility, and affordability of health services and facilities, assess government-financed programs that provide health insurance coverage, and address other local and state health care issues. The resource allocation plan shall promote accessibility of primary and preventive care and control proliferation of tertiary care. The resource allocation plan shall identify the health care, facility and human resource needs in New Hampshire, the resources available to meet those needs, and priorities for addressing those needs on a statewide basis. With respect to the analysis of need, the resource allocation plan shall include:

(a) Identification of the current supply and distribution of hospital, nursing home and other inpatient services; home health and mental health services; treatment services for alcohol and drug abuse; emergency care; ambulatory care services, including primary care resources; human resources; major medical equipment; and health screening and early intervention services.

(b) A determination of the appropriate supply and distribution of the resources and services identified in subparagraph II(a) of this section, and mechanisms which will encourage the appropriate integration of these services on a local or regional basis. To arrive at such determination the board shall consider the following factors: the needs of the population on a statewide basis; the needs of particular geographic areas of the state; the use of New Hampshire facilities by out-of-state residents; the use of out-of-state facilities by New Hampshire residents; the needs of populations with special health care needs; the desirability of providing high quality services in an economical and efficient manner, including the appropriate use of mid-level practitioners; and the cost impact of these resource requirements on health care expenditures.

(c) A component which addresses health promotion and disease prevention.

III. The committee and the office of health planning and development shall develop the New Hampshire health plan at the earliest practicable date. The plan shall be revised as necessary and not less often than every 3 years. The office of health planning and development shall develop an initial draft plan. The committee shall then conduct a public hearing on the draft plan in each county in the state, and shall give interested persons an opportunity to submit their views orally and in writing. Not less than 30 days prior to any such hearing, the committee shall publish, in a manner designed to reach all interested persons, the time and place of the hearing, the place at which interested persons may review the proposed plan in advance of the hearing and the place and period during which to direct written comment to the committee. After completion of the public hearings, the committee shall produce a written summary of and response to the views expressed at the public hearings and shall recommend such changes to the draft plan as necessary and appropriate to implement the purposes of this subdivision. After consideration of the committee's recommendations, the office of health planning and development shall approve a final plan.

126-A:106 Committee; Other Powers and Duties.

I. The committee shall serve as the primary state entity responsible for overseeing the implementation of state level health care reform initiatives including any future health care reform initiatives required by the federal government.

II. The committee shall be responsible to ensure public participation in decision making about health care reform initiatives and to encourage regional and local participation in decision-making about health care delivery, financing and provider supply.

III. The committee shall be responsible for developing initiatives for promoting the availability of affordable, comprehensive insurance coverage. In the first instance, the committee shall assess the feasibility of consolidating purchasing groups such as public, nonprofit and small business employees on a voluntary basis to establish a large group, voluntary purchasing cooperative. The committee shall include in its November 1, 1995, annual report, recommendations for a purchasing cooperative structure. If a purchasing cooperative design is approved by the legislature, the committee shall oversee its implementation. The purpose of the purchasing cooperative shall be to contain or reduce health care costs and increase access to comprehensive coverage and quality services by coordinating and enhancing the purchasing power of purchasers of health care benefit plans for the groups included in the cooperative.

IV. The committee shall be responsible for developing initiatives for promoting cost containment. In the first instance, the committee shall develop at the earliest practicable time voluntary annual health care expenditure targets. The expenditure targets shall include expenditure or cost ceilings for various sectors and subsectors of the health care delivery system, including health care facilities, health care providers, and types of services or encounters. The targets shall be voluntary and designed to encourage providers, insurers, employers, and consumers to reduce the rate of health care costs inflation. The annual costs containment targets established by the committee shall provide a benchmark against which participants in the voluntary plan can measure the effectiveness of their specific efforts. The program is intended to produce voluntary reductions in prices and administrative overhead, increases in volume discounting, and other measures to reduce the cost of health care. The targets are also intended to help measure the growth of the health care system, identify needs for further cost control mechanisms, and assist in the development and allocation of necessary resources.

V. The committee shall provide an opportunity for public input on annual expenditures proposed to be made from the health care transition fund, if established, and shall make recommendations on such expenditures.

VI. In addition to any other power or duty authorized by law, the committee may:

(a) In conjunction with the department of health and human services, the division of public health services and other entities, provide assistance to local communities, institutions, and provider groups in the development of organized primary health care systems throughout the state.

(b) Investigate the possibility of establishing a program for reducing the cost of prescription drugs in this state.

126-A:107 Annual Report. On or before November 1, 1994, and on or before November 1 each year thereafter, the committee shall submit a report to the governor, the president of the senate, and the speaker of the house detailing its progress in carrying out the requirements of this subdivision and including recommendations for legislation for the coming legislative session which, in the opinion of the committee, is necessary to carry out its mandate under any part of this subdivision or to achieve the goals of the New Hampshire health plan or, more generally, to implement the principles for health care reform adopted in 1993. A copy of this report shall be made available to members of the public upon request.

8 Effective Date.

- I. Sections 5 and 6 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of creating health care provider cooperative agreements in New Hampshire.

This bill makes appropriations from the health care transition fund, if established, to certain divisions within the department of health and human services. The moneys are to be used for health-related purposes.

This bill also establishes the New Hampshire health care reform coordinating committee. Under this bill, the committee's duties include:

(1) Developing and adopting, with public input and the office of health planning and development, a state health plan embodying and implementing the principles for health care reform set forth in HCR 1, relative to a universal health care program in New Hampshire, which was adopted by the general court on March 4, 1993.

(2) Adopting rules pursuant to RSA 541-A relative to the administration of this new law.

(3) Submitting an annual report to the governor, president of the senate and the speaker of the house charting its progress in administering its duties and making recommendations for legislative measures required to implement health care reform.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Senator J. King offered a floor amendment.

6453B

Floor Amendment to HB 1461

Amend paragraph I of section 1 of the bill by replacing it with the following:

I. Three members of the house of representatives, one each from the house judiciary; commerce, small business and consumer affairs; and health, human services and elderly affairs committees, appointed by the speaker of the house.

SENATOR J. KING: This floor amendment changes nine members from the House to three members, and also three members from the city. Also, those members could come from Commerce, Small Business, Health and Human Services, Elderly Affairs or House Judiciary. We now have three Senators and three Representatives on the committee.

Floor amendment adopted.

SENATOR COLANTUONO: Senator King, I just have a question about the amendment that is in the calendar on page 5. Are we adding on to this study bill?

SENATOR J. KING: What are you talking about?

SENATOR COLANTUONO: We are talking about 1461?

SENATOR J. KING: Yes.

SENATOR COLANTUONO: Are we basically adding on to 1461, some of the provisions of the Hollingworth Healthcare Reform Plan that the House sent to interim study, are you using this as a vehicle to tack those back on?

SENATOR J. KING: Well, yes, I would say that the advisory committee was probably part of it, and some of the members have changed. That is about the only part. I think it is great to have an advisory committee that doesn't have power, except to give advice that will always be helpful to that area to have more information to do the right thing.

SENATOR COLANTUONO: I just have a question to the Chair. This has significant appropriations. Will this be sent to Finance before this goes to third reading?

SENATOR J. KING: This money is all included in HB 1050. There is no new money here. It has already been passed in HB 1050 and this tells where it is going to be. It agrees basically with what the governor already recommended.

SENATOR COLANTUONO: My question is, will it go to Finance?

SENATOR HOUGH (In the Chair): I will defer to Senator Hollingworth or Senator Blaisdell. The subject matter has been reviewed and acted positively by this body and by the other body. What this does is appropriates the value, Senator Hollingworth, will you please address the concern of Senator Colantuono?

SENATOR HOLLINGWORTH: I would like to. Senator Colantuono, this mirrors exactly word for word what is in SB 791 in the House. Commissioner Bird has looked at this language as far as the dollars that are there and this is the other funding language, and this in agreement with what he supports, and in the language, and in that part of it. The authority, we have been trying to work towards a consensus. It mirrors quite closely, the language that the Governor had in the executive order and the membership on the executive order. The money part is what you are discussing, would not necessarily need to come to Appropriations and Finance, because it is exactly . . . we had a public hearing on it. During the public hearing it was the money that would be spent, \$130,000,000. that was the transition money. This mechanism needed to be set up to establish that so that the money could be spent appropriately.

Ordered to third reading.

Senators Colantuono and Lovejoy in opposition to committee amendment on HB 1461.

Recess.

Out of Recess.

NOTICE OF RECONSIDERATION

Senator Currier served notice of reconsideration on **HB 1187**, an act relative to the signature of manufactured housing park owners on deeds and the fee for such signature.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 608, increasing the penalty for certain DWI offenses to include lifetime license revocation.

SENATE NON CONCURS AND REQUEST

A COMMITTEE OF CONFERENCE

SB 608, increasing the penalty for certain DWI offenses to include lifetime license revocation.

Senator Podles moved non concurrence and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Podles, Colantuono, Hollingworth.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1193, amending the charter of St. Mary's Bank and relative to charter conversions by banks.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bonnie Packard
 Eric Lindblade
 Paul Drolet
 Elizabeth Crory

SENATE ACCEDES TO REQUEST FOR

A COMMITTEE OF CONFERENCE

HB 1193, amending the charter of St. Mary's Bank and relative to charter conversions by banks.

Senator Fraser moved to accede to request for a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Fraser, Barnes, Baldizar.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1525, relative to communications that constitute harassment.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Vivian Clark
 Richard Campbell
 Andrew Christie
 William Knowles

SENATE ACCEDES TO REQUEST FOR

A COMMITTEE OF CONFERENCE

HB 1525, relative to communications that constitute harassment.

Senator Podles moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Podles, Baldizar, MacDonald.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation."

SENATE NON CONCURS AND REQUEST

A COMMITTEE OF CONFERENCE

SB 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation."

Senator Podles moved non concurrence and request a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Podles, J. King, Baldizar.

SUSPENSION OF THE RULES

Senator Disnard moved that the rules of the Senate be so far suspended as to allow Senate Committee Reports not previously advertised in the calendar.

Adopted by the necessary 2/3 vote.

COMMITTEE REPORTS

HB 1142-FN, an act relative to lenders regulated by the banking department and relative to consumer credit transactions. Banks Committee. Ought to pass with amendment. Senator Fraser for the committee.

6448B

Amendment to HB 1142-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to lenders regulated by the banking department, relative to consumer credit transactions, limiting fees charged by companies and lenders for checks drawn on insufficient funds, relative to the bonding authority of the business finance authority, and defining "wrongful discharge" under article 4 of the uniform commercial code.

Amend the bill by replacing all after section 25 with the following:

26 New Section; Limitation on Insufficient Funds Check Fees. Amend RSA 358-M by inserting after section 1 the following new section:

358-M:2 Insufficient Funds Check Fees. Any person to whom a check, draft, order or like instrument is tendered may, if such instrument is dishonored or returned unpaid for any reason, charge and collect from the maker or drawer, or the person for whose benefit such instrument was

given, the amount of up to \$20 plus an amount equal to the actual charge by the depository institution for the return of such unpaid or dishonored instrument.

27 New Section; Consumer Credit Transactions; Insufficient Funds Check Fees. Amend RSA 358-K by inserting after section 4-a the following new section:

358-K:4-b Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the creditor may charge and collect under this chapter, the creditor may charge and collect from the consumer a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the consumer in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

28 New Section; Retail Installment Sales of Motor Vehicles. Amend RSA 361-A by inserting after section 8 the following new section:

361-A:8-a Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the holder may charge and collect under this chapter, the holder may charge and collect from the buyer a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the buyer in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

29 New Section; First Mortgage Bankers and Brokers. Amend RSA 397-A by inserting after section 16 the following new section:

397-A:16-a Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the lender may charge and collect under this chapter, the lender may charge and collect from the borrower a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the borrower in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

30 New Section; Second Mortgage Home Loans. Amend RSA 398-A by inserting after section 3 the following new section:

398-A:3-a Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the lender may charge and collect under this chapter, the lender may charge and collect from the borrower a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the borrower in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

31 New Section; Regulation of Small Loans. Amend RSA 399-A by inserting after section 5-a the following new section:

399-A:5-b Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the licensee may charge and collect under this chapter, the licensee may charge and collect from the borrower a fee for each return by a bank or other depository institution of a dishonored check, negotiable order of withdrawal or share draft issued by the borrower in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

32 New Section; Conditional Sales Contracts; Consumer Goods. Amend RSA 399-B by inserting after section 2 the following new section:

399-B:2-a Insufficient Funds Check Fees. In addition to all other finance charges, fees, and additional charges which the seller may charge and collect under this chapter, the seller may charge and collect from the buyer a fee for each return by a bank or other depository institution of a dishon-

ored check, negotiable order of withdrawal or share draft issued by the buyer in connection with a loan. The amount of such fee will be no greater than the amount specified in RSA 358-M:2.

33 Declaration of Need and Purpose. In enacting sections 33-38 of this act, the general court finds that there is a need for the development of commercial facilities throughout the state in order to create or preserve employment opportunities, to preserve or increase the social or economic prosperity of the state and its political subdivisions, and to promote the general welfare of the state's citizens. The general court also finds that in order to further the development of commercial facilities the business finance authority should be granted the power to issue revenue bonds to finance such facilities and related costs outside of redevelopment project areas.

34 Definition of Commercial Facility Changed. Amend RSA 162-I:2, III-a is repealed and reenacted to read as follows:

III-a. "Commercial facility" shall be an eligible facility and means any facility which is to be used in a trade or business, whether or not such business is operated for profit.

35 Definition of Project Costs Changed. Amend RSA 162-I:2, IX(g) and (h) to read as follows:

(g) Interest prior to and during construction and until one year after the completion of a project; [and]

(h) ***Working capital related to a project; and***

(i) Creating reserves.

36 Powers of the Authority Modified. Amend RSA 162-I:3, I(b)(3) to read as follows:

(3) To refund [bonds previously issued], ***refinance or acquire indebtedness previously issued by or on behalf of the authority, a user, or a related person.***

37 Findings by Governor and Council. Amend RSA 162-I:9, II(a)(5) to read as follows:

(5) If the facility is a commercial facility, the governor and council shall find that the establishment and operation of the facility will either create or preserve employment opportunities directly or indirectly within the state[,] ***and*** will [facilitate the rehabilitation of a blighted area and will] likely be of general benefit to the community as a whole;

38 New Section; False Statements. Amend RSA 162-A by inserting after section 26 the following new section:

162-A:27 False Statements Made to Business Finance Authority. The authority may order, after hearing upon its own motion or upon complaint, that a person or entity shall be prohibited from applying to the authority for any guarantee, loan or other credit enhancement under this chapter if the authority determines that such person or entity knowingly made a false statement, or knowingly misrepresented or failed to state a material fact necessary in order to make a statement not misleading in the light of the circumstances under which the statement was made, in any document or other presentation submitted to the authority.

39 Wrongful Dishonor. Amend RSA 382-A:4-402(a) to read as follows:

(a) Except as otherwise provided in this Article, a payor bank wrongfully dishonors an item if it dishonors an item that is properly payable, but a bank may dishonor an item that would create an overdraft unless it has agreed to pay the overdraft. ***"Wrongful dishonor" shall include, but not be limited to, a refusal by a payor bank to honor an item otherwise properly payable, if the payee presents the item in person to the payor bank, properly endorses the item and provides reasonably reliable identification confirming the payee's identity.***

40 Effective Date.

I. Sections 33-38 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill regulates interest on open-end consumer credit transactions. It changes licensing requirements for certain lenders and offerors of financial services and establishes procedures for license surrender by licensees of the banking department. The bill also changes the procedures for assessment of costs of examinations.

The bill changes the name of the "small loan license fund" to the "consumer credit administration fund" and the "small loan and vehicle finance division" to the "consumer credit administration division," and credits certain payments to the fund or division.

This bill limits fees charged by companies and lenders for checks drawn on insufficient funds.

This bill allows the business finance authority to issue revenue bonds to finance commercial facilities and related costs outside of redevelopment project areas. The bill authorizes the business finance authority to prohibit a person or entity from applying to the authority for a guarantee or loan, if such person or entity has made false statements to the authority.

The bill also defines "wrongful dishonor" under article 4 of the uniform commercial code.

SENATOR FRASER: Even though this was unanimous in the committee, I thought because there were some amendments that we're proposing, I thought I ought to report on this bill. HB 1142 provides the banking commissioner with the revised method of funding the banking department. The bill will increase the proportionate share of the financial responsibility for running the department by assessing the annual shortfalls to all financial services, under his supervision and regulatory authority. The depository institutions will continue to assess their portion of the cost to fund the banking division to be based on assets while nondepository institutions will be assessed on their proportion based on the cost to fund the consumer credit division, based on loan activity. Current law authorizes the bank commissioner to charge and collect any remaining balance, and not collect it through examination and license fees, to reimburse to the departments budget approximation for the banks only. This bill will allow him to also assess other financial services provided who are supervised and under his jurisdiction. Mr. President, following the introduction of the original bill, we had several amendments. The first amendment that the committee dealt with had to do with a request by the Business Finance Authority to allow to change their laws so that a community that doesn't have a community development authority, can loan money to a company that is having some difficulty in the town of Dublin. This was unanimously adopted by the committee. The second amendment that was dealt with had to do with a provision that would require banks to cash "on us" checks, provided there are sufficient funds in the account and valid identification is provided. This is where a depositor goes to a bank where he has an account to have it cash the check. The Banking Department and the banks generally support this as well. The third part of the bill, Mr. President, is Senator Lamirande's amendment. Currently a law does not exist for charges on bad checks. This bill would put a maximum amount of \$20 for checks drawn on insufficient funds. Presently, some companies elect to charge for bad checks and some do not. This bill would create uniformity within the current law. We have a bill with three amendments, Mr. Chairman. I have talked to the House

Commerce Committee and because they have not seen the BFA amendment they will nonconcur, and we will get into a Committee of Conference and any differences will be resolved at that time. I would urge adoption of the three amendments and the bill.

Amendment adopted.

Ordered to third reading.

HB 1290-FN, an act changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees. Banks Committee. Ought to pass with amendment. Senator Fraser for the committee.

6430B

Amendment to HB 1290-FN

Amend the title of the bill by replacing it with the following:

AN ACT

replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.

Amend the bill by deleting sections 1-2 and renumbering the original sections 3-4 to read as 1-2, respectively.

AMENDED ANALYSIS

This bill replaces the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.

SENATOR FRASER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HCR 25, an act in support of the free transfer of the former Pease Air Force Base. Economic Development Committee. Ought to pass. Senator W. King for the committee.

SENATOR W. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 439, an act relative to the profession of engineering. Executive Departments and Administrations Committee. Ought to pass with amendment. Senator Currier for the committee.

6451B

Amendment to HB 439

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 310-A:2, III to read as follows:

310-A:2 Definitions. As used in this subdivision:

III.(a) "**Practice of engineering**" means any professional service or creative work requiring education, training, experience, and the application of advanced knowledge of mathematics and physical sciences, involving the constant exercise of discretion and judgment, to such services or

work as consultation, investigation, evaluation, planning, design, responsible [supervision] **oversight** of construction, and responsible [supervision] **oversight** of operation, in connection with any public or private utilities, structure, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned.

(b) The practice of engineering may include the practice of surveying principles which support surveying activities which may be required to aid, verify, or facilitate the sound conception, planning, design, construction, maintenance, and operation of engineering projects by persons licensed under this chapter, but shall exclude the surveying of real property for the establishment of land boundaries, rights-of-way, or easements.

2 Fees; Rulemaking Specified. Amend RSA 310-A:7 to read as follows:
310-A:7 Fees.

I. The board shall establish fees for examination of applicants, for licenses, for certificates of authorization, for temporary permits, for reissuance of licenses, for renewal of licenses and certificates to practice under this chapter, and for transcribing and transferring records and other services.

II. *The board shall adopt rules under RSA 541-A which establish fees for the following:*

(a) *Application for licensure upon examination.*

(b) *Application for a certificate, temporary permit, or license under RSA 310-A:19 and 20.*

(c) *Biennial renewal for licensed professional engineers.*

(d) *Late reinstatement fee for a late renewal of license.*

(e) *Replacement of lost or mutilated license.*

III. *The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous biennium.*

3 Contents of Biennial Report. Amend RSA 310-A:9, II to read as follows:

II. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript [thereof] **of such records** certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced.

III. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and shall transmit to him a complete statement of the receipts and expenditures of the board[.], *as follows:*

(a) *The biennial report shall list the number and type of complaints received by the board and the actions taken on such complaints.*

(b) *The report shall enumerate the investigations conducted, hearings held and prosecutions initiated, and the status of such activities.*

IV. *The report shall be available to the public upon request and shall be filed with the secretary of state and libraries of all colleges and universities in the state and in the state library.*

4 Accreditation Clarified. Amend the section heading of RSA 310-A:12 and RSA 310-A:12, I and II to read as follows:

310-A:12 General Requirements for Licensure as [an] **a Professional Engineer.**

I. Applicants who have a degree from an **Accreditation Board for Engineering and Technology (ABET)** or other accredited 4-year institution in an engineering curriculum, certification as an "engineer-in-train-

ing” as a result of an 8-hour NCEE fundamentals of engineering examination and 4 years of accumulated [professional] engineering experience satisfactory to the board may apply to sit for the professional engineering examination.

II. Applicants who have a degree from an **ABET or other** accredited 4-year institution in an engineering curriculum and more than 4 years of accumulated [professional] engineering experience satisfactory to the board may apply to sit for the professional engineering examination. Such an applicant may request a waiver of the fundamentals of engineering examination.

5 Term Deleted. Amend RSA 310-A:19, III to read as follows:

III. A person not a resident of and having no established place of business in this state who wishes to practice or to offer to practice [the profession of] engineering in this state may make application to the board for a temporary permit. A temporary permit shall be limited to practice on a specific project in this state for a period not to exceed 6 months in any one calendar year, provided such person is a licensed engineer in his state or country where the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or higher than those specified in this chapter.

6 “Engineer” Renamed “Professional Engineer”. Amend RSA 310-A:21 to read as follows:

310-A:21 License Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee’s birth in the year 2 years following the year of issuance. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license. If the renewal fee is not submitted within 12 months after the expiration date, the licensee’s name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. If [an] **a professional** engineer is 70 years or older at time of renewal, and the **professional** engineer has held an engineering license continuously for the 10-year period immediately preceding the renewal, the board may waive the renewal fee in accordance with rules adopted by the board.

7 Disciplinary Action. Amend RSA 310-A:22, II to read as follows:

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure **or renew** a certificate to practice under this chapter[;].

(b) Conviction of a felony or any offense involving moral turpitude[;].

(c) [Any] Unprofessional [conduct,] or dishonorable conduct unworthy of, and affecting the practice of[,] the profession[;].

(d) Unfitness or incompetency by reason of negligent habits or other causes[;], or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee[;].

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him unfit to practice under this chapter[;].

(f) Mental or physical incompetency to practice under this chapter[;].

(g) Willful or repeated violation of the provisions of this chapter[; or].

(h) Suspension or revocation of a license, similar to one issued under this chapter, in another jurisdiction and not reinstated.

(i) **Violations of the rules of professional responsibility for professional engineers, or any other rule adopted by the board.**

(j) Providing false testimony before the board.

(k) Failure to provide, within 30 calendar days of receipt of notice by certified mail, information requested by the board as a result of any formal complaint to the board alleging a violation of this subdivision.

(l) Knowingly making or signing any false statement, certificate or affidavit in connection with the practice of engineering.

8 Change From "Engineer" to "Professional Engineer". Amend the following RSA provisions by inserting the term "professional" preceding the term "engineer" or "engineer's" or "engineers": the chapter title of RSA 310-A; the subdivision heading preceding RSA 310-A:2; and RSA 310-A:1; 310-A:2, I and II; 310-A:3, I; 310-A:6, I(p); 310-A:10; 310-A:16; 310-A:18; 310-A:18-a; 310-A:19, III; the introductory paragraph of 310-A:20, I and 310-A:20, I(a) and 310-A:97.

9 Change From "Professional Engineering" to "Engineering." Amend the following RSA provisions by substituting the term "engineering" for the term "professional engineering": RSA 310-A:2, II; RSA 310-A:6, I (l); RSA 310-A:20, I, IV, and V; RSA 310-A:27, III; and RSA 310-A:53, III.

10 Exemption From Surveying. RSA 310-A:74, I is repealed and reenacted to read as follows:

I. The practice of land surveying principles by a licensed professional engineer, which shall include those support surveying activities which may be required to aid, verify or facilitate the sound conception, planning, design, construction, maintenance and operation of engineering projects by persons licensed under this chapter, but shall exclude the surveying of real property for the establishment of land boundaries, rights-of-way, or easements.

11 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill renames the "board of engineers" the "board of professional engineers." It also specifies the board's rulemaking authority relative to certain fees and provides further disciplinary authority.

Licensure and accreditation are clarified, and those acts which constitute misconduct are expanded. The right to a hearing and an appeal are set forth. The term "engineer" is redefined as "professional engineer" throughout RSA 310-A, and the term "professional engineering" is redefined as "engineering" in specified sections.

SENATOR CURRIER: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1158, an act relative to the state's policy regarding the review and assessment of new health services. Insurance Committee. Ought to pass with amendment. Senator Shaheen for the committee.

6427B

Amendment to HB 1158

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the state's policy regarding the review and assessment of new health services and relative to the membership of the health services planning and review board.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Members Changed. RSA 151-C:3, I and II are repealed and reenacted to read as follows:

I.(a) There is hereby established a health services planning and review board composed of the following members:

(1) The director of the division of public health services, or designee.

(2) The remaining members, appointed by the governor and council:

(A) A representative of health care insurers.

(B) Three consumers, each from a different region of the state. For the purposes of this subparagraph "consumer" means an individual whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in their immediate family to anyone who is involved in the delivery of health care services or health insurance.

(C) Two providers whose occupation is in the delivery of health care services regulated by the board. One of these providers shall be nominated by the New Hampshire Hospital Association. The other provider shall be nominated by the New Hampshire Health Care Association.

(b) The director of the division of public health services or designee shall serve as the only permanent member of the board. All other members of the board shall serve only for one 3-year term, provided that of the initial members, the representative of health care insurers and one consumer shall serve for one year, one consumer and one provider shall serve for 2 years and one consumer and one provider shall serve for 3 years.

II. No consumer member shall be appointed to or shall serve on this board who also serves on any board of any health care facility or health care insurer licensed or regulated by this state.

3 New Paragraph; Agenda of Board. Amend RSA 151-C:3, by inserting after paragraph IV the following new paragraph:

IV-a. The director of the division of public health services shall set the agenda for the board.

AMENDED ANALYSIS

This bill clarifies the state policy relative to review and assessment of new health services under RSA 151-C, the certificate of need law.

This bill also revises the membership of the health services planning and review board.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 438-FN, an act requiring criminal history record checks for sales of handguns by dealers using a toll-free telephone number. Judiciary Committee. Ought to pass with amendment. Senator Colantuono for the committee.

6458B

Amendment to HB 438-FN

Amend the title of the bill by replacing it with the following:

AN ACT

requiring criminal history record and temporary restraining order checks for sales of handguns by dealers using a toll-free telephone number.

Amend the bill by replacing all after the enacting clause with the following:
1 New Chapter; Criminal History Record Checks; Handguns. Amend RSA
by inserting after chapter 159-B the following new chapter:

CHAPTER 159-C

SALE OF HANDGUNS; CRIMINAL RECORD CHECK

159-C:1 Sale of Handguns; Criminal History Record Check.

I. No importer, manufacturer, or dealer licensed pursuant to 18 U.S.C. 923 shall sell or deliver from his business inventory at his licensed premises any handgun to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until he has:

(a) Obtained a completed consent form from the potential buyer or transferee, which form shall have been adopted by the department of safety and provided by the licensed importer, manufacturer, or dealer, which shall include only the name, birth date, gender, race, and social security number or other identification number of such potential buyer or transferee;

(b) Inspected identification containing a photograph of the potential buyer or transferee;

(c) Requested, by means of a toll-free telephone call, that the department conduct a criminal history record check and temporary restraining order check; and

(d) Received a unique approval number for that inquiry from the department, and recorded the date and such number on the consent form.

II. For the purposes of this chapter "handgun" means:

(a) A firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(b) Any combination of parts from which a firearm described in subparagraph (a) can be assembled.

159-C:2 Department of Safety Investigation.

I. Upon receipt of a request for a criminal history record check or temporary restraining order check, the department of safety, during the licensee's call or by return call shall:

(a) Review its criminal history records and temporary restraining order records, if any, to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or temporary restraining order under RSA 173-B:6;

(b) Inform the licensee making the inquiry either that its records demonstrate that the potential buyer or transferee is so prohibited, or provide the licensee with a unique approval number.

II. In the event of electronic failure or similar emergency beyond the control of the department, the department shall immediately notify the requesting licensee of the reason for, and estimated length of, such delay. After such notification, the department shall, and in no event later than the end of the next business day of the licensee, either inform the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the potential buyer or transferee is so prohibited, and without regard to whether he has received a unique approval number, the licensee may complete the sale or delivery and shall not be deemed in violation of this section with respect to such sale or delivery.

159-C:3 Confidentiality.

I. Any records containing any of the information set forth in RSA 159-C:1, I pertaining to a potential buyer or transferee who is not found to be prohibited from receipt or transfer of a handgun by reason of state or federal law which are created by the department of safety to conduct the crimi-

nal history record check or temporary restraining order check shall be confidential and may not be disclosed by the department or any officers or employees to any person or to another agency. The department shall destroy any such records after it communicates the corresponding approval number to the licensee and, in any event, such records shall be destroyed within 20 days after the day of the receipt of the licensee's request.

II. The department shall retain records containing any information set forth in RSA 159-C:1, I pertaining to a potential buyer or transferee who is prohibited from receipt or transfer of a handgun for 3 years.

III. Notwithstanding the provisions of this section the department may maintain only a log of dates of requests for criminal history records checks and temporary restraining order checks and unique approval numbers corresponding to such dates for an indefinite period.

IV. Nothing in this section shall be construed to allow the department to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of handgun transactions, including the names or other identification of licensees and potential buyers or transferees, including persons not otherwise prohibited by law from the receipt or possession of handguns.

159-C:4 Toll-Free Number. The department of safety shall establish a toll-free telephone number which shall be operational 7 days a week between the hours of 8:00 a.m. and 10:00 p.m. for purposes of responding to inquiries as described in this section from licensed importers, manufactures, and dealers. The department shall employ and train such personnel as are necessary to administer expeditiously the provisions of this section.

159-C:5 Appeal. Any person who is denied the right to receive or purchase a handgun as a result of the procedures established by this chapter may request amendment of the record pertaining to him by petitioning the department of safety. If the department fails to amend the record within 7 days, the person requesting the amendment may petition the superior court of the county of residence for an order directing the department to amend the record. The court shall award the petitioner an attorney's fee if it determines that the record should have been amended by the department. If the record as corrected demonstrates that such person is not prohibited from receipt or possession of a handgun by state or federal law, the department shall destroy any records it maintains which contain any information derived from the criminal history records and temporary restraining order check set forth in RSA 159-C:1, I.

159-C:6 Rules. The department of safety shall adopt rules, pursuant to RSA 541-A, to ensure the identity, confidentiality, and security of all records and data provided pursuant to this chapter.

159-C:7 Exceptions to Reporting. A licensed importer, manufacturer, or dealer is not required to comply with the provisions of this chapter in the event of:

I. Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises, or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, or war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

II. Failure of the department of safety to comply reasonably with the requirements of RSA 159-C:2.

159-C:8 Defenses. Compliance with the provisions of this chapter shall be a complete defense to any claim or cause of action under the laws of this

state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer of any handgun which has been shipped or transported in interstate or foreign commerce to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

159-C:9 Handgun Exceptions. The provisions of this chapter shall not apply to:

I. Any handgun, including any handgun with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898.

II. Any replica of any handgun described in paragraph I if such replica is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

III. Any handgun which is a curio or relic as defined by 27 C.F.R. 178.11.

IV. Potential buyers or transferees who hold a valid permit to carry a concealed weapon pursuant to RSA 159:6 who exhibit such permit to a licensed importer, manufacturer, or dealer.

159-C:10 Penalties; Immunity.

I. Any licensed importer, manufacturer, or dealer who willfully and intentionally requests a criminal history record and temporary restraining order check from the department of safety for any purpose other than compliance with RSA 159-C:1, or willfully and intentionally disseminates any criminal history record or temporary restraining order information to any person other than the subject of such information shall be guilty of a misdemeanor.

II. Any person who, in connection with the purchase, transfer, or attempted purchase or transfer of a handgun pursuant to RSA 159-C:1, willfully and intentionally makes any materially false oral or written statement or willfully and intentionally furnishes or exhibits any false identification intended or likely to deceive the licensee shall be guilty of a misdemeanor.

III. Any licensed importer, licensed manufacturer, or licensed dealer who willfully and intentionally sells or delivers a handgun in violation of this chapter shall be guilty of a misdemeanor.

IV. Any potential buyer or transferee who purchases a handgun for the purpose of transferring it to a person who is prohibited from possession of a handgun by state or federal law shall be guilty of a class B felony.

V. Any licensed importer, manufacturer, or dealer who in good faith relies upon a criminal history record and temporary restraining order check from the department pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

159-C:11 Annual Report. The department of safety shall provide the wildlife and recreation committee of the senate and the public protection and veteran affairs committee of the house of representatives an annual report including the number of inquiries made pursuant to this chapter for the prior calendar year. Such report shall include, but not be limited to, the number of inquiries received from licensees, the number of inquiries resulting in a determination that the potential buyer or transferee was prohibited from receipt or possession of a handgun pursuant to state or federal law, the estimated costs of administering this chapter, the number of instances in which a person requests amendment of the record pertaining to such person pursuant to RSA 159-C:5, and the number of instances in which the superior court issued an order directing the department to amend a record pursuant to RSA 159-C:5.

2 Contingent Prospective Repeal. This act is repealed on the date that any federal law is effective that requires federally licensed firearms dealers to contact a federal or state government agency or official to determine whether receipt of a firearm by a prospective purchaser would violate federal or state law.

3 Contingency. The check of temporary restraining order records as required by this act shall not take effect until the department of safety is required by law to be a central electronic repository of temporary restraining order records.

4 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires the department of safety to conduct a criminal history record and temporary restraining order check for sale of handguns by dealers.

The temporary restraining order check is not required until the department of safety is required to be a central repository of temporary restraining order records.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Referred to the Division on Finance (Rule #24).

HB 1135, an act relative to a judicial council study of family matters within the state court system. Judiciary committee. Ought to pass with amendment. Senator Podles for the committee.

6462B

Amendment to HB 1135

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a study committee of resolution of family issues within the state court system.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Expanded. 1993, 358:11 is repealed and reenacted to read as follows:

358:11 Study of Judicial System With Regard to Resolution of Family Issues.

I. There is established a committee to study, report on and prepare legislation relative to the resolution of family issues within the judicial system of the state of New Hampshire. The committee shall consist of the following members:

(a) Eight members appointed by the judicial council, consisting of the members appointed to conduct the study originally authorized by 1993, 358:11 or their replacements in the event of resignation.

(b) The chair of the house judiciary committee.

(c) The chair of the senate judiciary committee.

(d) Two other house members, appointed by the speaker of the house.

(e) Two other senators, appointed by the senate president.

(f) Two members of the New Hampshire Bar Association, who are experienced in family law matters, appointed by the judicial council in consultation with the New Hampshire Bar Association.

(g) A mental health professional experienced in child and family matters, appointed by the judicial council.

(h) The director of the division of child and family services, or designee.

II. In conducting its study, the committee shall:

(a) Interview judges, clerks of court, marital masters and members of the public who have been parties to family issues within the state court system.

(b) Conduct at least 3 public hearings in different geographic regions of the state.

III. The committee shall prepare a report and proposed legislation relative to:

(a) Unifying family issues within a single jurisdictional system; and

(b) Use of mediation, court diversion, non-judicial dispute resolution and ancillary services.

IV. The committee shall submit its report and proposed legislation on or before January 15, 1995, to the speaker of the house, the senate president, the chief justice of the supreme court and the governor for consideration in the 1995 legislative session.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill expands the judicial council's study of the judicial system with regard to divorces and marital matters to a study by a committee of all family matters issues the state court system.

SENATOR PODLES: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1586, an act regarding victim and law enforcement access to certain confidential information regarding a juvenile offender. Judiciary Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6449B

Amendment to HB 1586-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose; Intent.

I. The general court recognizes that minors often commit delinquent acts as a result of youthful immaturity. Consequently, the juvenile justice system strives to protect minors from the debilitating stigma that may follow them throughout life because of their youthful indiscretion. In furtherance of that goal, juvenile records and proceedings are kept confidential to facilitate the minor's successful integration into society. Such confidentiality must be carefully guarded.

II. The general court recognizes, as well, that minors are increasingly committing more serious crimes including murder, assault and sexual assault. Because of the rules regarding confidentiality, victims are prohibited from learning about the circumstances of the case and participating in discussions with the prosecutor regarding the disposition of the case, unless and until the minor is certified to be tried as an adult. Victims also do not receive notice of a minor offender's return to the community, unless the minor has been certified and tried as an adult. Such lack of knowledge causes frustration, fosters distrust of the criminal justice system, and prolongs the victim's healing process.

III. This act permits the court to authorize the disclosure of limited information to victims of murder, manslaughter, negligent homicide, attempted murder, first-degree assault, aggravated felonious sexual assault, and felonious sexual assault, and will require the victims to abide by the confidentiality rules under RSA 169-B. By enacting this legislation, the general court recognizes the competing interests of both minor offenders and victims and appreciates the delicate balance that must exist between them. While protecting the rights of victims, this act is limited in its application to ensure that such disclosure occurs in only the most serious cases and to guarantee that such disclosure is limited.

2 New Section; Access to Information by Victims and Law Enforcement Agencies. Amend RSA 169-B by inserting after section 35 the following new section:

169-B:35-a Access to Information by Victims' Immediate Family, and Law Enforcement Agencies; Definitions; Minor's Rights; Protocol; Confidentiality; Limitations.

I. For the purposes of this section:

(a) "Victim" shall mean a person who suffers direct physical, emotional, or psychological harm as a result of the commission of a violent crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

(b) "Immediate family" shall mean a victim's spouse, parent, sibling, or child; a person acting in loco parentis for the victim; or anyone related to the victim by blood or marriage and living in the same household as the victim.

(c) "Violent crime" shall mean capital, first-degree or second-degree murder, attempted murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, first-degree assault, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, as these crimes are defined by statute.

II. To the extent that the rights provided in this paragraph can be reasonably guaranteed by the courts, law enforcement, and the public agencies charged with the responsibility for the welfare of minors and are not inconsistent with the constitutional rights of the minor, the court in its discretion may order that a victim shall be entitled to the rights provided in this paragraph. Consistent with the protocols created pursuant to paragraph III of this section, a victim may request:

(a) In cases where a minor is charged with a violent crime, prior to the disposition of the minor pursuant to RSA 169-B:19 or a transfer hearing pursuant to RSA 169-B:24, to:

(1) Be informed of the name, age, address, and custody status of the minor arraigned or adjudicated for the violent crime;

(2) Be informed of all court proceedings conducted pursuant to RSA 169-B;

(3) Confer with the prosecution and be consulted about the disposition of the case, including plea bargaining;

(4) Be informed of case progress and final disposition;

(5) Have input in the juvenile predispositional report;

(6) Appear and make a written or oral victim impact statement at the dispositional hearing or, in the case of a plea bargain, prior to any plea bargain agreement; and,

(7) Be informed of an appeal, receive an explanation of the appeal process, and receive notice of the result of the appeal.

(b) Subsequent to the disposition of a minor adjudicated for a violent crime, the victim shall receive notice of all review hearings conducted

pursuant to RSA 169-B:31 and notice of any change in placement, temporary release or furlough, interstate transfer, parole, runaway, escape, or release of the minor.

(c)(1) When the court's jurisdiction over a minor adjudicated for a violent crime terminates pursuant to RSA 169-B:4 or 169-B:19, the court may in its discretion authorize that the victim and the arresting law enforcement agency shall receive notice of the termination of the court's jurisdiction and any information concerning the minor's intended residence.

(2) The court may also authorize the arresting law enforcement agency to provide information concerning the location of the minor's intended residence to the law enforcement agency of that location if public safety requires such notification.

III. The department of justice shall develop protocols for the implementation of the provisions of this section to be used by law enforcement personnel, prosecutors, victim witness advocates, the division of children and youth services, and private providers of residential services to delinquents.

IV. It shall be unlawful for a victim or member of law enforcement agency to disclose any confidential information to any person not authorized or entitled to access such confidential information. Any person who knowingly discloses such confidential information shall be guilty of a misdemeanor.

V.(a) Except as expressly provided in this section, nothing in this section shall be construed to provide victims with the right to attend proceedings conducted pursuant to RSA 169-B, 170-H, or 621; to participate in decisions concerning the changes in placement, temporary release or furlough, interstate transfer, parole, or release of a minor adjudicated of a violent crime; or to have direct access to the case records or the court records of a minor adjudicated for a violent crime.

(b) Nothing in this section shall be construed as creating a cause of action against the state, a county or municipality, or any of their agencies, instrumentalities or employees, or private providers of residential services to adjudicated delinquents.

(c) Nothing in this section shall be construed as creating any new cause of action or new remedy or right for a criminal defendant.

3 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill sets forth certain confidential information to which, in the court's discretion, a victim of a juvenile offender shall have access pending the adjudication of delinquency and subsequent to disposition of a delinquency case subject to confidentiality requirements. It also sets forth information to which, in the court's discretion, the law enforcement agency where the adjudicated individual intends to reside shall have access subject to confidentiality requirements.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Fraser moved that we take **HB 1553-A**, an act making a capital appropriation to the supreme court for the design of an administrative office building, off the table.

Adopted.

HB 1553-A, an act making a capital appropriation to the supreme court for the design of an administrative office building. Ought to pass.

Adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1283, relative to transporting trash and scrap metal.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: George Katsakiores
 Gordon Bartlett
 Sherman Packard
 Roland Turgeon

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1283, relative to transporting trash and scrap metal.

Senator MacDonald moved to accede to request for a Committee of Conference.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: MacDonald, Lamirande, Cohen.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1420, relative to the sale of defective vehicles.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Mercer
 Richard Hill
 Eric Lindblade
 Matthew Newland

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1420, relative to the sale of defective vehicles.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: MacDonald, Bourque, Roberge.

NOTICE OF RECONSIDERATION

Senator Colantuono served notice of reconsideration on **HB 439**, an act relative to the profession of engineering.

ANNOUNCEMENTS**RESOLUTION**

Senator Lovejoy moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, May 12, 1994 at 1:00 p.m.

Adopted.

LATE SESSION**Third Reading and Final Passage**

HB 439, an act relative to the profession of engineering.

HB 1135, an act relative to a judicial council study of family matters within the state court system.

HB 1142-FN, an act relative to lenders regulated by the banking department and relative to consumer credit transactions.

HB 1158, an act relative to the state's policy regarding the review and assessment of new health services.

HB 1185-FN, an act relative to fees charged for the registration of private pesticide applicators.

HB 1187, an act relative to the signature of manufactured housing park owners on deeds and the fee for such signature.

HB 1290-FN, an act changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.

HB 1429-LOCAL, an act exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

HB 1461, an act establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire.

HB 1462-LOCAL, an act relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems.

HB 1553-A, an act making a capital appropriation to the supreme court for the design of an administrative office building.

HB 1586, an act regarding victim and law enforcement access to certain confidential information regarding a juvenile offender.

HCR 25, an act in support of the free transfer of the former Pease Air Force Base.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Thursday, May 12, at 1:00 p.m.

Adopted.

Adjournment.

May 12, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

Failed in business, 1831. Defeated for legislature, 1832. Failed in business again, 1833. Suffered nervous breakdown, 1836. Defeated for speaker, 1838. Defeated for Congress, 1843. Defeated for Congress again, 1848. Defeated for Senate, 1855. Defeated for Senate again, 1858. 1860, elected President of the United States. When you wonder if all of this is worth it, recall this resume owned by a fellow politician, Abraham Lincoln. Lord of the long view, remind this Senate this day that much of the distance along the super highway of governmental effectiveness must be traveled at twenty-five miles per hours. Amen

Senator Blaisdell led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

NOTICE OF RECONSIDERATION

Senator Colantuono served notice of reconsideration on **HB 1185-FN**, an act relative to fees charged for the registration of private pesticide applicators.

NOTICE OF RECONSIDERATION

Senator Shaheen served notice of reconsideration on **SB 763**, establishing an executive board for community service.

NOTICE OF RECONSIDERATION

Senator W. King served notice of reconsideration on **SB 719**, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.

COMMITTEE REPORTS

HB 161-FN-A, an act increasing the membership of the adult parole board. Appropriations committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: This bill adds two new members. One would be a lady for the womens prison. There is not a woman or a female representing the women on the Parole Board at this time. The additional annual cost is \$620.

Senator Hollingworth moved to have **HB 161-FN-A**, an act increasing the membership of the adult parole board, laid on the table.

Adopted.

LAIID ON THE TABLE

HB 161-FN-A, an act increasing the membership of the adult parole board.

HB 178-FN, an act relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators. Appropriations committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6424B

Amendment to HB 178-FN

Amend the bill by replacing sections 10-15 with the following:

10 Attorney General Authorized to Fill Positions. The attorney general is authorized to hire, as of the effective date of this act, one legal stenographer III at labor grade 12.

11 Division of Public Protection. Amend 1993, 349:1 by replacing PAU 02, 04, 02, 02 with the following:

02 Admin of justice and public prtn

04 Department of justice

02 Division of public protection

02 Consumer protection

	FY 1994	FY 1995
10 Personal services-permanent	\$120,493	\$142,759
13 Assistant attorneys general	202,121	214,453
14 Investigators	117,594	123,396
20 Current expenses	9,750	12,200
24 Maint. other than build and grounds	500	500
30 Equipment	3,000	0
60 Benefits	94,405	101,215
70 In-state travel	700	700
Total	548,563	595,223
Estimated source of funds for consumer protection		
General fund	538,871	567,710
01 Other agency funds	9,692	27,513
Total	548,563	595,223

12 Joint Board. Amend PAU, 02, 06, 02, 01 as inserted by 1993, 349:1 as follows:

Insert:

	FY 1994	FY 1995
49 Transfers to other state agencies* D	\$ 4,362	\$ 13,381
Strike out:		
General fund	163,174	168,669
Insert:		
General fund	167,536	182,050

*Transfers of money from this PAU shall only be taken from the board of engineers and the board of land surveyors.

13 Chiropractic Board. Amend PAU 05, 01, 08, 01 as inserted by 1993, 349:1 as follows:

Insert:

	FY 1994	FY 1995
49 Transfers to other state agencies D	\$ 969	\$ 3,305
Strike out:		
General fund	25,126	25,193
Insert:		
General fund	26,095	28,498

14 Dental Board. Amend PAU 05, 01, 08, 03 as inserted by 1993, 349:1 as follows:

Strike out:

	FY 1994	FY 1995
49 Transfers to other state agencies D	\$ 18,740	\$ 18,740
Insert:		
49 Transfers to other state agencies D	23,101	29,567
Strike out:		
General fund	133,177	138,600
Insert:		
General fund	137,538	149,427
15 Effective Date.		

I. Sections 1-8 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, sections 1-10 of which are requested by the board of examiners of psychology and mental health practice, redefines certain procedures applicable to the board of examiners of psychology and mental health practice.

1. The term "certificate holder" is defined and substituted for the term certified members and similar terms.

2. Administrative fines may be assessed for persons other than those subject to discipline under RSA 330-A:14.

3. The cap on administrative fines is increased to \$3,000, and a \$300 daily fine may be assessed for as long as the violation continues.

4. Those eligible to be retained for adjudicatory proceedings are redefined and include "other qualified persons." With limitations, the board may request the governor and council to provide funding for such expenses.

5. In addition to board members, their designees may preside at hearings and issue oaths or affirmations to witnesses. However, at least one board member shall be present.

The bill also adds new duties to the consumer protection and anti-trust bureau and transfers money from the PAUs for certain regulatory boards to the consumer protection and anti-trust bureau for that purpose.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 260-FN-A, an act establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services. Appropriations Committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 459-FN-A, an act establishing a program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. Appropriations Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 639-FN-A, an act establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. Appropriations Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1118, an act eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glencliff home for the elderly be determined in accordance with the administrative procedure act. Appropriations Committee. Ought to pass with amendment. Senator J. King for the committee.

6080B

Amendment to HB 1118

Amend the title of the bill by replacing it with the following:

AN ACT

eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glencliff home for the elderly be determined in accordance with the administrative procedure act and relative to persons with head injuries.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Statement of Intent. The committee to study head injury cases established in 1992, 87 finds that the efforts of the division of mental health and developmental services to assist persons with traumatic brain injuries and other neurological impairments, including securing federal financial support through a community care waiver to the medicaid program, have been of great value to the citizens of New Hampshire. The general court supports and encourages a continuation of these planning and service provision efforts.

AMENDED ANALYSIS

This bill eliminates the requirement that the annual cost per patient rate for patients at New Hampshire hospital or Glencliff home for the elderly be determined in accordance with RSA 541-A.

The bill also adds a statement supporting the efforts of the division of mental health and developmental services regarding head injuries.

SENATOR J. KING: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1153-FN, an act adopting the revised Uniform Enforcement of Foreign Judgments Act. Appropriations Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1179, an act relative to the information required in agency requests for appropriations during the budget preparation process. Appropriations Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1191-FN, an act relative to victims and victims' compensation. Appropriations Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1194-FN, an act relative to the board of accountancy and related professional fees. Appropriations Committee. Ought to pass. Senator J. King for the committee.

SENATOR J. KING: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1213-FN-A, an act appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made. Appropriations Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1278-FN-A, an act making an appropriation to fund the position of state curator. Appropriations Committee. Inexpedient to legislate. Senator Russman for the committee.

SENATOR RUSSMAN: We decided not to do it. We didn't think that we could afford it. It was as simple as that. We thought that it certainly would be a good thing to have, but we thought that with the Historical Society and so on and so forth, being active, the state was not at a point where we could actually afford to have an official state curator and fund the position.

SENATOR SHAHEEN: Senator Russman, can you tell me what the position of state curator does?

SENATOR RUSSMAN: The state curator, as I am told, is in charge of the antiquities, to some degree and the historical data and perhaps . . . as you know, we have a number of large photographs of former House and Sen-

ate things, and far as the cataloging and the preservation and the things of that nature. The Historical Society has been doing some things with that to try and help out as it can, but we just thought that while it would be a nice thing to have, that we could not afford it, so we did not fund it.

SENATOR SHAHEEN: Can you tell me if we have had a curator in the past and when the position was discontinued?

SENATOR RUSSMAN: In all honesty, I don't know the answer to your question. I will defer to Senator Hollingworth.

SENATOR HOLLINGWORTH: We had hired a curator several years ago, and the legislature in its wisdom, and I use the word loosely, decided that we could do without a curator. While my committee felt strongly that perhaps in the future years, a curator would be something that we would again believe proper for the state, and then in a year when we did not have a budget, \$46,000 was not something that we felt that we were able to do, since this had come up last year in the budget process and had failed.

SENATOR SHAHEEN: Can you tell me what the value of the state's antiquities is that the curator would be in charge of and what the potential loss to the state will be because we are not willing to fund that position?

SENATOR HOLLINGWORTH: We have no numbers. That was not submitted to us in our committee. But we are well aware that there is a great deal of money there and we are not unsympathic with your position, Senator Shaheen, that we protect those values and treasures to the state. It is just that we felt that a few more months, until this issue could come up again, in a normal budget procedure, was the place for this to take place.

SENATOR SHAHEEN: Senator Hollingworth, don't you think that this is being penny wise and pound foolish?

SENATOR HOLLINGWORTH: Well, Senator Shaheen, as you well know, this is a democracy and when you meet in committee and the committee votes unanimously in opposition to this, whether it is penny wise and pound foolish, it is still the vote of the majority.

Committee report of inexpedient to legislate is adopted.

HB 1300-FN-A, an act requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation. Appropriations committee. Ought to pass. Senator Disnard for the committee.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1382, an act creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund. Appropriations committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1458-FN-LOCAL, an act to provide incentive through school building aid for establishing and maintaining public kindergarten programs, and establishing a committee to review the maximization of revenues from

programs administered by the New Hampshire Sweepstakes Commission. Appropriations Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I am happy to urge support for this bill HB 1458-FN-Local, the only surviving kindergarten incentive funding bill or the only willing survivor bill. This has been a long time in coming. This will really be a first small step to getting kindergartens in the state and I am happy to be a cosponser along with Senators Wayne King, Susan McLane and Carol Lamirande and I urge passage of this bill.

SENATOR MCLANE: Senator, is that bill just words or does it have some money attached to it?

SENATOR PIGNATELLI: It has some money attached to it.

SENATOR MCLANE: Are you sure that is the amendment? I think that the amendment has no money at all.

SENATOR PIGNATELLI: No, the bill has funding for . . . The Department of Education that is the school building aid program, may increase state general fund expenditures by \$110,000 in fiscal year 1996, \$220,000 in fiscal year 1997 and \$340,000 in fiscal year 1998.

SENATOR MCLANE: So I guess my next question would be, that this would be at least two years away before you would have any building aid start for kindergartens, is that correct?

SENATOR PIGNATELLI: My understanding is that the districts would qualify over the next year and then when they move to have construction, then they would be receiving the additional incentive funds.

SENATOR MCLANE: Which will come out of the budget in 1996?

SENATOR PIGNATELLI: It does not come out of the funds that are already in the budget for school building aid. This is an additional appropriation from the general fund.

SENATOR MCLANE: To be made in 1996, not now?

SENATOR PIGNATELLI: Not now.

Adopted.

Ordered to third reading.

HB 1472-FN, an act making an appropriation to the fund for domestic violence programs. Appropriations Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: Every 15 seconds a woman is battered in the United States by her husband, boyfriend or live-in partner. And every day, four women are beaten to death. Twenty two to thirty five percent of the women who visit emergency rooms are there as a result of abuse. More than 53% of male abusers beat their children. These statistics highlight the severity of the domestic violence problem across our country. Unfortunately, New Hampshire's women and families are not immune to this violence. In fact, between 1982 and 1992, there was a 135% increase in the number of domestic violence victims assisted in our state. Understanding the extent and effect of domestic violence, this legislature has responded. We have passed a number of measures that strengthen our laws with respect to domestic violence. We have given our police and courts additional powers to intervene before abuse has occurred. But we must do more. HB 1472 would increase funding for New Hampshire Coalition Against Domestic and Sexual Violence by \$350,000. This funding would augment the roughly

\$350,000 that the Coalition now receives through marriage license fees. This additional funding will allow the Coalition to enhance the programs and services that it provides to victims of domestic violence through the 14 regional organizations that it supports. These area agencies provide 24-hour crisis lines, emergency shelter for victims and their children, emergency child care, support groups and transportation. The agencies also provide extensive educational and outreach programs designed to heighten the awareness and seriousness of domestic violence in our state. The Coalition and its member agencies are often the only place a victim of domestic violence can turn. They provide a caring voice and a safe refuge to thousands of women every year. Unfortunately, as is so often the case, their funding level limits what they can do. By passing HB 1472 we have a chance to offer the estimated 44,000 women and men who are abused in our state every year the programs and services that they need to feel safe. I am proud of the domestic violence laws that we have adopted over the last two years, but laws alone will not provide sufficient protection to the victims of abuse. It is through the services offered through the coalition that we can have the most positive impact. For that reason, I urge you to join the Senate Appropriations Committee, the House of Representatives and Governor Merrill in supporting this legislation. Thank you.

Adopted.

Ordered to third reading.

HB 1507-FN, an act relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act. Appropriations Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1515-FN, an act relative to the emissions reduction credits trading program. Appropriations Committee. Ought to pass. Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1523-FN-A, an act establishing a state veterans' cemetery and making an appropriation therefor. Appropriations Committee. Ought to pass. Senator Russman for the committee.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1551-FN-A, an act to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control. Appropriations Committee. Ought to pass with amendment. Senator Disnard for the committee.

6378B

Amendment to HB 1551-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases; relative to the appropriation to the division of forests and lands forest protection bureau for fire control; and relative to the appropriation to the department of safety to fund the driver training program.

Amend the bill by replacing section 4 with the following:

4 Department of Safety. Amend 1993, 349:1.02, 15, 03, 06 as follows:

	FY 1994	FY 1995
Strike out:		
90 Driver's assistance	\$ 917,700	\$ 888,100
Total	1,366,095	1,365,094
09 Agency income	1,366,095	1,365,094
Insert in place thereof:		
90 Driver's assistance D	1,315,950	1,350,000
Total	1,764,345	1,826,994
09 Agency income	1,764,345	1,826,994

5 Funding for Driver Training Program. Notwithstanding any other provision of law, should the legislative estimate as provided for in RSA263:52, II not fully fund the driver training program at \$150 for each pupil who has completed the driver education program for the current fiscal year, the commissioner of the department of safety shall request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the vanity plate fund.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates \$4,426.64 to the city of Franklin and \$7,305.75 to Merrimack county for the fiscal year ending June 30, 1994, for the purpose of reimbursing the city and the county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases.

The bill amends the appropriation in the state operating budget which is made to the division of forests and lands forest protection bureau for fire control relative to current expenses and consultants for fiscal years 1994 and 1995. The amendment does not change the overall total appropriated for fire control.

The bill also increases the appropriation in the state operating budget which is made to the department of safety for the driver training program for fiscal years 1994 and 1995.

SENATOR DISNARD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1580-FN-A, an act increasing the funds appropriated to finance the gubernatorial transition. Appropriations Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6426B

Amendment to HB 1580-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the funds appropriated to finance the gubernatorial transition and relative to the duties of the bank commissioner.

Amend the bill by replacing all after section 2 with the following:

3 Payment of Cost of Examination; Annual Assessment. Amend the introductory paragraph of RSA 383:11 to read as follows:

The bank commissioner shall, each fiscal year, charge and collect from the institutions, the condition and management of which he is required to examine under the provisions of RSA 383:9, [as the total cost of such examination] *and which he supervises under the provisions of RSA 361-A, RSA 397-A, RSA 398-A and RSA 399-A*, the total amount appropriated for the bank commissioner's department. Said sum shall be collected as follows:

4 Balance of Sums Remaining. RSA 383:11, II is repealed and reenacted to read as follows:

II. The balance of said sum remaining after the charges provided for in paragraph I have been deducted from the total sum shall be charged and collected as follows:

(a) From depository institutions. Each depository institution required to be examined under the provisions of RSA 383:9 shall be charged and pay such proportion of said balance applicable to depository institutions under the banking department's program appropriation unit designation, as its total assets bear to the total assets of all such depository institutions as shown by their reports to the commissioner as of June 30 preceding such charges, except that only 50 percent of the fiduciary assets shall be used in the calculation of the total assets of each institution and all such institutions.

(b) From non-depository lenders and brokers. Each licensee subject to the supervision of the bank commissioner under the provisions of RSA 397-A, RSA 398-A, RSA 399-A, and sales finance companies under RSA 361-A, shall be charged and shall pay such proportion of said balance applicable to the consumer credit administration division under the banking department's program appropriation unit designation as its total dollar volume of loans made, originated, funded or brokered bear to the total dollar volume of all such loans made, originated, funded or brokered by such licensees during the preceding calendar year ending December 31, as shown by their annual reports to the commissioner.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1995.

AMENDED ANALYSIS

At the present time, \$1 is appropriated in the state operating budget for fiscal year 1995 to finance the expenses for the governor-elect's transition. This bill increases the appropriation to \$70,000 for fiscal year 1995 for the governor-elect's transition expenses. The bill prohibits any funds which are appropriated to the department of administrative services for a gubernatorial transition from being used to finance the transition expenses for an incumbent governor-elect. The governor-elect may, however, accept in-kind services for transition expenses by filing a report with the secretary of state no later than March 1 following the election which details those expenses.

This bill also amends the procedure which the bank commissioner uses to charge and collect the annual assessment from the institutions which he examines and supervises.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Recess.

Out of recess.

HB 1268-FN-A-L, an act requiring the Department of Transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor. Capital Budget Committee. Ought to pass with amendment. Senator Shaheen for the committee.

6385B

Amendment to HB 1268-FN-A-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3, granting a right-of-way, approving certain projects in the United States Route 3 and New Hampshire Route 11 transportation corridor study and requiring the department to study traffic alternatives for Franklin to Laconia and making an appropriation therefor.

Amend the bill by replacing all after section 2 with the following:

3 Right-of-Way Access Point Granted to Pike Industries, Inc., Evans Express Mart and the Tilton Diner. As authorized under RSA 230:46, the commissioner of the department of transportation shall provide a right-of-way access point on New Hampshire Route 140 to Pike Industries, Inc., Evan's Express Mart and the Tilton Diner from their property in the town of Tilton, Tilton tax map R 23-8-3.

4 United States Route 3 and New Hampshire Route 11; Approval of Certain Projects. The general court approves projects 1, 3, 5, 6, 7 and 8 from page ES-IV of the United States Route 3 and New Hampshire Route 11 Transportation Corridor Study submitted by the department of transportation pursuant to 1992, 231:1. Projects 2, 4, 9 and 10 are not approved and shall not take effect.

5 Franklin to Laconia Traffic Alternatives Study. The department of transportation shall study, with the Lakes Region Planning Commission, alternative off-corridor routes for motor vehicle traffic from the cities of Franklin and Laconia, including:

- I. The use of New Hampshire Route 140.
- II. The use of Pleasant Street and a new connector link to United States Route 3 and New Hampshire Route 11 east of downtown Tilton.
- III. Incorporation of a one-way loop using United States Route 3, New Hampshire Route 11 and Pleasant Street.
- IV. The use of Clark Road and a new connector link to United States Route 3 and New Hampshire Route 11 east of downtown Tilton.

V. Construction of a large-scale bypass from Exit 19 to United States Route 3 or New Hampshire Route 11 in West Franklin.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates funds for the purpose of adding traffic signals and making improvements to certain portions of United States Route 3. The appropriation shall be reduced by certain federal funds made available for this project.

This bill requires the commissioner of transportation to grant an access point to certain businesses on NH Route 140.

This bill also approves certain projects in the United States Route 3 and New Hampshire Route 11 transportation corridor study and requires the department to study traffic alternatives for Franklin to Laconia.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1518-A, an act requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated. Capital Budget Committee. Ought to pass. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1571-A, an act appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse. Capital Budget Committee. Ought to pass with amendment. Senator MacDonald for the committee.

6469B

Amendment to HB 1571-A

Amend the title of the bill by replacing it with the following:

AN ACT

appropriating funds for the design and renovation of the Brown building, making a capital appropriation for the construction and furnishing of the Plymouth district courthouse, and relative to the capital appropriation for the fire standards and training dormitory.

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriation Increased for Design of Brown Building Renovations. Amend 1993, 359:1, V, E, 3 and the total for subparagraph V, E as amended by 1993, 360:5 to read as follows:

3. Design of Brown building renovations	[\$ 750,000] \$ 6,750,000
Total subparagraph E	[\$ 1,300,000] \$ 7,300,000

2 Department of Health and Human Services; Total State Appropriation Increased. Amend 1993, 359:1, total state appropriation paragraph V, as amended by 1993, 360:6 to read as follows:

Total state appropriation
paragraph V

[\$ 5,489,418] **\$11,489,418**

3 Capital Appropriations; Total State Appropriation Increased. Amend 1993, 359:1, total state appropriation section 1, as amended by 1993, 360:7 to read as follows:

Total state appropriation section 1 [\$43,004,888] **\$49,004,888**

4 Bonds Authorized; Bonds Total Increased. Amend 1993, 359:9 as amended by 1993, 360:10 to read as follows:

9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$65,616,888] **\$72,616,888** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Appropriation; Plymouth District Courthouse. The sum of \$1,900,000 is appropriated to the department of administrative services for the biennium ending June 30, 1995, for the purpose of the construction and furnishing of a new Plymouth district courthouse.

6 Bonds Authorized. To provide funds for the appropriation made in section 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,900,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund of the state.

7 Capital Appropriation; Fire Standards and Training Dormitory. Amend 1993, 359:1, XI, B to read as follows:

B. Fire standards and training dormitory

and other training structures and equipment \$2,126,500

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the amended 1993 capital budget appropriation for the design and renovation of the Brown building on the New Hampshire hospital campus from \$750,000 to \$6,750,000. The bill also increases other appropriation totals in the capital budget resulting from the new appropriation for the Brown building.

The bill also makes a capital appropriation for the construction and furnishing of a new Plymouth district courthouse.

The bill also changes the description of the amended 1993 capital budget appropriation which is made to the department of safety for a fire standards and training dormitory, to include other training structures and equipment. The dollar amount of the appropriation is not changed.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

Senators Bourque and Wheeler in opposition to HB 1571.

HB 414-FN-LOCAL, an act providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system. Finance Executive Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 622-FN, an act relative to solid waste management districts. Finance Executive Committee. Ought to pass with amendment. Senator Colantuono for the committee.

6402B

Amendment to HB 622-FN

Amend RSA 53-B:2, V as inserted by section 3 of the bill by replacing it with the following:

V. "Long-term contract" means a contract for solid waste management services for a term of 5 or more years between a district and an owner or operator of a solid waste management facility, unless the district agreement adopted by member municipalities stipulates a different term.

Amend RSA 53-B:6-a, XII as inserted by section 6 of the bill by replacing it with the following:

XII. Any long-term contracts entered into by the district for specified purposes that are exempt from the contract rejection provisions under RSA 53-B:7, XX(a) and (c) and the term of contract to be subject to such provision if different from 5 years.

Amend RSA 53-B:7, XX(a) as inserted by section 7 of the bill by replacing it with the following:

(a) No long-term contract shall take effect until 45 days after authorization by the district committee to allow for rejection of the proposed long-term contract by member municipalities under subparagraph (c), unless the rejection period and authority have been waived in the district agreement.

Amend RSA 53-B:7, XX(c) as inserted by section 7 of the bill by replacing it with the following:

(c) If, before the 45-day period has passed, the legislative body of any member municipality votes to disapprove of the long-term contract, it shall not be entered into. The provisions of RSA 31:5 shall not apply to action by special town meetings under this paragraph. A legislative body may disapprove the contract only if, under the terms and conditions of the district agreement, the municipality will incur obligations under RSA 53-B:7-c. After 60 days the district committee may again authorize the long-term contract which shall be subject to the rejection conditions of subparagraphs (a) and (c). A municipality which votes to reject 2 successive long-term contracts shall be allowed to withdraw from the district in accordance with the provisions of this chapter and the district agreement. If the municipality has not withdrawn within 60 days of the second contract rejection, the committee is authorized to enter into the long-term contract over the member municipality's rejection.

Amend RSA 53-B:7, XX as inserted by section 7 of the bill by deleting subparagraph (d).

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 656-FN, an act to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. Finance Executive Committee. Ought to pass with amendment. Senator McLane for the committee.

6411B

Amendment to HB 656-FN

Amend the title of the bill by replacing it with the following:

AN ACT

to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991, and relative to extending medical benefits to persons who retire on a split-benefit retirement allowance with at least 10 years of service as a group II member.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Medical Benefits Extended for Permanent Policemen Members. Amend RSA 100-A:52, I by inserting after subparagraph (f) the following new subparagraph:

(g) Persons who are group II permanent policemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, 1991.

2 Method of Financing Medical Benefits for Group II Permanent Policemen Members. RSA 100-A:53, II is repealed and reenacted to read as follows:

II. The special account established in RSA 100-A:16, II(h), for group II members, shall be augmented as of July 1, 1988, by \$23,700,000 resulting from a one-time write-up of the valuation assets as of June 30, 1987. At the end of each fiscal year beginning with the year ending June 30, 1989, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the benefits provided through the subtrust are fully funded or until the total accumulated reimbursement equals the sum of:

(a) The initial special account amount as of June 30, 1988, of \$52,800,000;

(b) The additional special account amount as of June 30, 1993, which shall be determined by the actuary as an amount which shall be sufficient to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(f);

(c) The additional special account amount as of June 30, 1993, of \$1,200,000 to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(g); and

(d) Future accumulated interest per year on the balance of the reimbursement funds remaining in the special account.

3 Medical Benefits Extended for Permanent Policemen Members. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 1988[, and]; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; *and to persons who are group II permanent policemen*

members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, 1991. Such additional benefits shall not apply to other persons who become members of group II after June 30, [1988] **1991**, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

4 Eligibility for Medical Benefits; Group II Members. Amend RSA100-A:52, I(a) to read as follows:

(a) Any person retired as a group II member of the New Hampshire retirement system on service or disability retirement[, provided that such person shall be entitled to retirement on the basis of group II creditable service without including any credit for service as a group I member of the retirement system] *or any person whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 10 years of creditable service as a group II member.*

5 Effective Date. This act shall take effect June 30, 1994.

AMENDED ANALYSIS

This bill extends medical benefits under RSA 100-A:52 to group II permanent policemen members on disability retirement as a result of injuries suffered while in the performance of duty who became permanent policemen members of the New Hampshire retirement system after June 30, 1988, but before July 1, 1991. The bill provides a method of financing the medical benefits for these group II members.

This bill also allows a person who retires on a split-benefit retirement allowance and who has a minimum of 10 years of creditable service as a group II member of the New Hampshire retirement system to receive medical and surgical benefits paid for by the retirement system.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1183-FN-L, an act providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members. Finance Executive Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1214-FN, an act relative to driver safety at highway construction sites. Finance Executive Committee. Ought to pass with amendment. Senator Colantuono for the committee.

6431B

Amendment to HB 1214-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Operation of a Motor Vehicle in Highway Construction Sites. Amend RSA 265:6-a by inserting after paragraph II the following new paragraphs:

III. Any offense involving speeding in a highway construction or maintenance zone on a state or interstate highway, manned by workers, shall be a construction work zone driving offense. A person found guilty of an offense shall be fined not less than \$250 nor more than \$500.

IV. The department of transportation shall post signs notifying motorists of construction or maintenance work zones and construction zone speed limits. The department shall require signs notifying motorists of the increased penalties for a violation of paragraph III.

2 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill:

I. Imposes a fine of \$250-\$500 for any person found guilty of speeding in a highway construction or maintenance zone.

II. Requires the department of transportation to post signs notifying motorists of construction or maintenance work zones.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1237, an act relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime. Finance Executive Committee. Ought to pass with amendment. Senator Blaisdell for the committee.

6416B

Amendment to HB 1237

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10, respectively:

8 Reference Added. Amend RSA 640:2, II(a) to read as follows:

(a) "Public servant" means any officer or employee of the state or any political subdivision thereof, including judges, legislators, consultants, jurors, **probation-parole officers**, and persons otherwise performing a governmental function. A person is considered a public servant upon [his] **such person's** election, appointment or other designation as such, although [he] **such person** may not yet officially occupy that position. A person is a candidate for electoral office upon [his] **the person's** public announcement of [his] candidacy.

Amend the bill by replacing section 10 with the following:

10 Effective Date.

I. Sections 7-9 shall take effect July 1, 1994.

II. The remainder of this act shall take effect January 1, 1995.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1262-FN, an act relative to the compensation for medical, hospital, and remedial care under workers' compensation. Finance Executive Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6400B

Amendment to HB 1262-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the compensation for medical, hospital, and remedial care under workers' compensation and relative to medical and surgical benefits for certain state employees.

Amend the bill by replacing section 2 with the following:

2 Eligibility for Medical and Surgical Benefits Extended. Notwithstanding the provisions of RSA 21-I:30, a full-time employee who occupies a position or office which does not require membership in the retirement system as a condition of employment, and who had at least 10 years of full-time state service as of June 30, 1989, shall be deemed a "retired employee" for the purpose of receiving medical and surgical benefits, pursuant to RSA 21-I:30, upon separation from state service when the combination of the employee's age and years of service equals at least 70 years.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires employers subject to the workers' compensation law to pay compensation, which shall be based on the employee's average wages at the time of the original injury, to an injured employee for any period of disability resulting from replacement or repair of any physical or surgical aids made necessary by the injury.

The bill also extends eligibility for medical and surgical benefits to state employees who hold positions which do not require them, as a condition of employment, to be members of the retirement system, but who had at least 10 years of state service as of June 30, 1989, and who terminate state service, when the combination of their age and years of service equal at least 70 years.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1442-FN-A, an act relative to a real estate transfer questionnaire. Finance Executive Committee. Ought to pass with amendment. Senator Colantuono for the committee.

6379B

Amendment to HB 1442-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a real estate transfer questionnaire and relative to the applicability of the real estate transfer tax.

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Applicability of Tax to Certain Transactions. Amend RSA 78-B:2 by inserting after paragraph XV the following new paragraph:

XVI. To a transfer of title required by an alteration of an entity's form of organization:

(a) If the beneficial owners of the transferor own 100 percent of the transferee immediately after the transfer; or

(b) If the beneficial owners of the transferor own at least 95 percent of the transferee immediately after the transfer, but only if the commissioner shall have first determined that such alteration was not designed for the principal purpose of currently or thereafter avoiding the tax imposed by this chapter. The commissioner may request such information and data as he deems necessary to make a determination under this subparagraph, provided that all such information and data shall be kept confidential.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect July 1, 1995.

AMENDED ANALYSIS

This bill requires that a real estate transfer questionnaire be filed with the department of revenue administration within 30 days after the recording of a deed evidencing the transfer of real property or within 30 days of the transfer, whichever is later. The purpose of the questionnaire is to assist the department in determining the equalized value of locally assessed properties.

The bill also excludes from the real estate transfer tax certain transactions required by the alteration of an entity's form of organization.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1536-FN, an act authorizing the court to issue emergency temporary orders telephonically. Finance Executive Committee. Ought to pass. Senator Hollingworth for the committee.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1539-FN, an act establishing a statewide intermodal transportation planning and improvement program. Finance Executive Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Ordered to third reading.

HB 1548-FN, an act relative to medical and surgical benefits for state employees and establishing a committee to study eligibility requirements for receiving state medical and surgical benefits. Finance Executive Committee. Inexpedient to legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1566-FN, an act relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in places which are organized and which are not organized for voting, and relative to the declaration of intent form which must be filed by candidates, and relative to filing for a special election primary. Finance Executive Committee. Ought to pass with amendment. Senator Shaheen for the committee.

6410B

Amendment to HB 1566-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in organized places which are not organized for voting, relative to the declaration of intent form, relative to filing for a special election primary, relative to the party designation on ballots, relative to the board of claims, and relative to the appropriation to the board of auctioneers to fund continuing education.

Amend the bill by replacing section 2 with the following:

2 Repeal. RSA 5:11, relative to the accounting of fees by the secretary of state and payment to the state treasurer, is repealed.

Amend the bill by replacing section 7 with the following:

7 Form of Ballot. RSA 656:5 is repealed and reenacted to read as follows:
656:5 Listing Candidates on Ballot.

I. The names of all candidates nominated in accordance with the election laws shall be arranged by office in accordance with the provisions of RSA 656:7. The names of candidates for any one office shall not be split into more than one column.

II. All candidates for the same office shall be placed on separate lines within a separate box. The name of each candidate shall be grouped according to the party which nominates the candidate, and the names of the candidates of the party which received the largest number of votes at the last preceding state general election shall be listed first. The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames within each party grouping. The name of the party which nominates the candidate shall be printed near the candidate's name.

8 Party Designation. RSA 656:9 is repealed and reenacted to read as follows:

656:9 Party Designation. There shall be printed near the candidate's name the name or names of the political party or parties by which the candidate is nominated or an abbreviation of the name or names of the party or parties.

9 Effective Date Changed. Amend HB 449 of the 1994 legislative session by replacing section 14 with the following:

14 Effective Date. This act shall take effect upon its passage.

10 Application. The provisions of sections 7 and 8 of this act shall first apply to the state primary and state general election ballots used in 1994.

11 Board of Claims Established. RSA 541-B:2 is repealed and reenacted to read as follows:

541-B:2 Board Established. There is hereby organized, constituted and established a 5 member board of claims for the state.

12 New Section; Annual Report; Board of Claims. Amend RSA 541-B by inserting after section 11 the following new section:

541-B:11-a Annual Report. The secretary of state shall provide annually to the bureau of risk management a copy of the annual report for the board.

13 Board of Auctioneers. Amend 1993, 349:1.01, 05, 06 as follows:

FY 1994

FY 1995

Strike out:

90 Continuing Education \$ 8,500

Insert in place thereof:

90 Continuing Education G 8,500

14 Contingency. If HB 449, "An Act relative to listing candidates on general election ballots," of the 1994 legislative session becomes law, the provisions of sections 7-10 of this act shall take effect at 12:01 a.m. on the effective date of HB 449. If HB 449 does not become law, the provisions of sections 7-10 of this act shall not take effect.

15 Contingency. If HB 1585-FN, "An Act consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds," of the 1994 legislative session becomes law, the provisions of section 11 of this act shall take effect at 12:01 a.m. on the effective date of HB 1585-FN. If HB 1585-FN does not become law, the provisions of section 11 shall not take effect.

16 Effective Date.

I. Sections 1-6 and 12-15 of this act shall take effect upon its passage.

II. Sections 7-10 of this act shall take effect as provided in section 14.

III. Section 11 of this act shall take effect as provided in section 15.

AMENDED ANALYSIS

This bill amends the duties of the secretary of state by:

(1) Providing that the province records shall be kept in the state archives rather than in the vaults of the state library.

(2) Repealing the requirement that the secretary of state account for fees received for official acts and pay these fees over to the state treasurer.

The bill amends the declaration of intent form which nonparty and other candidates must sign by changing "qualified" voter to "registered" voter, and corrects the list of offices to be voted for under RSA668 in places which are and which are not organized for voting.

The bill also allows state representative candidates in a special election primary to file their declaration of candidacy with the appropriate town or city clerk during the first Monday and Tuesday of the filing period in towns and cities in which the clerk's office is open on one or both of those days, as an alternative to filing with the secretary of state.

This bill also changes the form of the ballot used in state general elections by eliminating the party columns, and it provides for listing all candidates in one column according to the office sought. Candidates are grouped according to the party which nominates them, and are listed alphabetically within each party grouping according to their surnames, and the name of the party which nominates a candidate appears near the candidate's name.

The bill amends the New Hampshire board of claims relative to its establishment and its annual report.

The bill also adds a footnote to the state operating budget for the appropriation which is made to the board of auctioneers for continuing education to provide that this appropriation will not lapse at the end of fiscal year 1994.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 652-FN, an act relative to state fee reform. Ways and Means Committee. Ought to pass with amendment. Senator McLane for the committee.

6437B

Amendment to HB 652-FN

Amend paragraphs II and III as inserted by section 1 of the bill by replacing them with the following:

II. The general court concludes that fees and other types of revenue should be defined. Fees should be charged only for regulatory functions and programs and should, as a general rule, cover no more than the reasonable direct and indirect costs of a regulatory function or program. In some specific cases, such as elections and services provided by the courts, the activity provides a vital service which is the foundation of democratic government and should not be funded by fees alone. Fees should not be used to generate revenue beyond the costs of a particular regulatory function or program.

III. The purpose of this legislation is to:

(a) Define fees and establish consistent fee-setting criteria, whether a fee is established by statute or by rule. A cost analysis is required as part of the fee setting process, in order to ensure that fees to fund a function or program are commensurate with the cost of funding the function or program.

(b) Require that all fees be reviewed by the legislature, to insure that fees remain reasonable relative to the costs of the function or program provided by the state.

Amend RSA 14:47-a, I and II as inserted by section 2 of the bill by replacing them with the following:

I. A fee shall not be used to generate revenue beyond the reasonably related costs of performing a function or administering and enforcing a regulatory program.

II. In this section:

(a) "Fee" means a charge imposed by statute which is in return for a function performed by the state or incidental to regulation, in an amount which shall not generate revenue beyond the reasonably related costs (less any federal funds or other revenue) of providing the function or administering and enforcing the regulatory program.

(b) "Fee surcharge" means an additional fee set by statute beyond the primary fee which is intended for a secondary program. The secondary program shall be at least incidentally related to the primary program. Fee surcharges may exceed the costs of providing the primary regulatory function or program. Funds derived from a fee surcharge shall not exceed the costs (less any federal funds or other revenue) of providing the secondary program.

Amend RSA 14:47-a, IV by inserting after subparagraph (e) the following new subparagraph:

(f) Fees established by the supreme court.

Amend RSA 541-A:1, IV-a(a) as inserted by section 3 of the bill by replacing it with the following:

IV-a.(a) "Fee" means a charge imposed by rule which is in return for a function performed by the state or incidental to regulation, in an amount which shall not generate revenue beyond the reasonably related costs (less any federal funds or other revenue) of providing the function or administering and enforcing the regulatory program. A fee shall not be used to generate revenue beyond the reasonably related costs of performing a function or administering and enforcing a regulatory program. "Fee surcharge"

means an additional fee set by statute beyond the primary fee which is intended for a secondary program. The secondary program shall be at least incidentally related to the primary program. Fee surcharges may exceed the costs of providing the primary regulatory function or program. Funds derived from a fee surcharge shall not exceed the costs (less any federal funds or other revenue) of providing the secondary program.

Amend RSA 541-A:1, IV-a(c) by inserting after subparagraph (5) the following new subparagraph:

(6) Fees established by the supreme court.

Amend the bill by inserting after section 5 the following new section and renumbering the original section 6 to read as 7:

6 Applicability. This act shall apply to fees adopted or amended, through statute or rule, on or after the effective date of this act.

AMENDED ANALYSIS

This bill:

(1) Defines state fees and fee surcharges;

(2) Requires state fees to reflect only the reasonably related costs of a program funded or function provided;

(3) Requires that a fiscal note on a bill proposing a new state fee or fee surcharge or a change in an existing state fee or fee surcharge include a cost analysis by agency; and

(4) Permits the legislative committee on administrative rules to object to a proposed rule containing a fee or fee surcharge which it deems is not commensurate with costs of providing a function if a fee or a secondary program if a fee surcharge or administering and enforcing a regulatory program if a fee or a secondary program if a fee surcharge.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1245, an act requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance. Ways and Means Committee. Ought to pass with amendment. Senator Lovejoy for the committee.

6446B

Amendment to HB 1245

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a senate study committee on procedures for introduction of new video or electronic games of chance by the sweepstakes commission and exempting family entertainment centers from gambling prohibitions.

Amend the bill by replacing all after the enacting clause with the following:

1 Senate Study Committee. A committee is hereby established to study and recommend procedures for introduction of new video or electronic games of chance to be followed by the sweepstakes commission. The committee shall consist of all the members of the senate finance executive committee and 2 members of the senate ways and means committee, appointed by the senate president. The committee shall submit a report, including recommendations for legislation, to the senate president on or before November 1, 1994.

2 New Paragraph; Family Entertainment Centers Exempt. Amend RSA647:2 by inserting after paragraph VII the following new paragraph:

VIII. This section shall not apply to a family entertainment center having redemption slot machines or redemption poker machines. For purposes of this section, "redemption slot machine or redemption poker machine" means any device or equipment which operates by means of the insertion of a coin or token and which may entitle the person playing or operating the game or machine the opportunity of additional chances or free plays or to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the value for such points or coupons does not exceed 2 1/2 cents for each credit on the game or machine, and "family entertainment center" means a place of business having at least 50 games or devices designed and manufactured only for bona fide amusement purposes on premises which are operated for the entertainment of the general public and tourists as a bona fide entertainment facility and not having more than 15 percent of the total games or machines being redemption slot machines or redemption poker machines.

3 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a senate study committee on procedures to be followed by the sweepstakes commission when introducing any new video or electronic games of chance, and exempts family entertainment centers from gambling prohibitions.

SENATOR LOVEJOY: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Senator Fraser offered a floor amendment.

6485B

Floor Amendment to HB 1245

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee on procedures for introduction of new video or electronic games of chance by the sweepstakes commission and exempting family entertainment centers from gambling prohibitions.

Amend the bill by replacing section 1 with the following:

1 Study Committee.

I. A committee is hereby established to study and recommend procedures for introduction of new video or electronic games of chance to be followed by the sweepstakes commission. The committee shall consist of:

(a) All of the members of the senate finance executive committee and 2 members of the senate ways and means committee, appointed by the senate president.

(b) Five house members from the regulated revenues committee and 2 members from the house ways and means committee, appointed by the speaker of the house.

II. The committee shall submit a report, including recommendations for legislation, to the senate president and the speaker of the house on or before November 1, 1994.

AMENDED ANALYSIS

This bill establishes a study committee on procedures to be followed by the sweepstakes commission when introducing any new video or electronic games of chance, and exempts family entertainment centers from gambling prohibitions.

SENATOR FRASER: Mr. President, the first part of the amendment appointed members to the study committee from the Senate Finance and from Ways and Means. It failed to name anyone from the House of Representatives to serve on that study committee. The amendment allows for five members of Regulated Revenues and two members from the House Ways and Means Committee. I would urge its adoption.

Recess.

Out of recess.

Floor amendment adopted.

Ordered to third reading.

HB 1495-FN, an act relative to taxes paid on simulcast racing. Ways and Means Committee. Ought to pass with amendment. Senator Blaisdell for the committee.

6445B

Amendment to HB 1495-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the definition of "racing program" for the purposes of assessing taxes on simulcast races and establishing a committee to study the pari-mutuel tax structure in New Hampshire.

Amend the bill by replacing all after section 2 with the following:

3 Committee Established. There is established a committee to study the pari-mutuel tax structure in New Hampshire. The committee shall consist of the following members:

I. Two senators, one shall be chair of the senate finance executive committee and one shall be from the ways and means committee, appointed by the senate president.

II. Two house members, one of whom shall be from the ways and means committee and one from the regulated revenues committee, appointed by the speaker.

III. The chair of the pari-mutuel commission, or designee.

IV. A representative of each pari-mutuel licensee, appointed by each licensee.

4 Duties. The committee shall be responsible for the following:

I. Reviewing the existing pari-mutuel tax structure.

II. Making recommendations for any proposed legislation the committee deems necessary to accomplish the changes identified by the committee.

5 Appointments; Mileage; Meetings. Appointments of all members of the committee shall be made within 30 days after the effective date of this act. The members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate. The chair of the senate finance executive committee shall call the first meeting. At the first meeting, the members shall choose a chairperson from among the committee's members.

6 Report. The committee shall submit a report of its findings to the senate president and the speaker of the house on or before December 1, 1994, which shall include any recommendations for legislation for the 1995 session.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill defines a racing program for the purposes of assessing taxes on simulcast races.

This bill also establishes a committee to study the pari-mutuel tax structure in New Hampshire. The committee shall report its findings including any recommendations for legislation to the senate president and the speaker of the house on or before December 1, 1994.

SENATOR BLAISDELL: I move the adoption of the committee report of ought to pass with amendment.

SENATOR W. KING: This legislation, when sent up from the House, would have provided a measure of resolution to offset the inequity of the existing taxes especially as it relates to Lakes Region Greyhound Track, a small family business in my district. The existing tax structure allows larger tracks to take advantage of thousands of dollars of tax credits every day of operation, yet Lakes Region Greyhound, with a smaller handle, has never been able to take advantage of these credits. Due to this unusual quirk in the tax structure, this smaller track is required to pay a much higher tax rate. Furthermore, since the tax on all tracks is based upon gross handle without regard to expenses incurred, the penalty towards a smaller size operation is much more pronounced in the result on bottom line profit. The amendment offered by Ways and Means is termed a compromise, one to which the Lakes Region has reluctantly acceded. This amendment provides that the legislature, by means of the study committee, will address this matter over the summer and will return with a recommended solution by December 1, 1994. I genuinely hope that this study committee is not distracted in any way from its task. Lakes Region Greyhound Track is recently making progress out of the doldrums of errors by previous ownership, a sluggish economy, and an antiquated tax structure. They came to us seeking a small amount of relief to stay afloat. I hope we are throwing a life-line, not an anchor which sinks them.

Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Blaisdell move to have **HB 161-FN-A**, an act increasing the membership of the adult parole board, taken off the table.

Adopted.

HB 161-FN-A, an act increasing the membership of the adult parole board. Ought to pass.

SENATOR DISNARD: I moved the adoption of the committee report of ought to pass.

Adopted.

Senator Baldizar offered a floor amendment.

6489B

Floor Amendment to HB 161-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the membership of the adult parole board and establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

Amend the bill by replacing all after section 2 with the following:

3 Committee Established; Authority. There is established a joint legislative committee to examine and recommend the best way to ensure an efficient system of criminal prosecution at the district and superior court level. The committee may invite participation of county attorneys, the office of the attorney general, and other experts as may be appropriate.

4 Members. The committee shall consist of the members of the house corrections and criminal justice committee and the members of the senate judiciary committee. A chairperson shall be elected at the first meeting.

5 Report. The committee shall submit a report, including recommendations for legislation, to the speaker of the house, senate president and governor no later than November 1, 1994.

6 Effective Date.

I. Sections 3-5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill increases the membership of the adult parole board.

This bill also establishes a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

SENATOR BALDIZAR: This amendment increases the membership of the adult parole board. It establishes a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and Superior Court level. We have had this bill before us before in the Judiciary. The Judiciary Committee, originally, did offer this as an ought to pass bill. It is needed because of the legitimate concern related to the consistency of prosecution in relation from county to county across the state. It was killed the last time in the Senate, because we thought that the court was studying the issue and they are not. So we have decided that we really need to reconsider our action and put it back on. I offer it to you in this form.

SENATOR COLANTUONO: Mr. President, I want to remind the members that this is a bill which we did previously kill. The reason that we killed it was because there does not need to be a bill set out for legislative committees to study anything they want. They have a standing statutory authority in the statutes that I cited last time if you recall. Since we have defeated that bill, I then learned why or how this all came about. It came about from a movement of some people who want to do away with the county attorney system. The bill got watered down in the House to this study. But it is unprecedented to have a study with just legislators. Normally we include the people that were involved in the system that we are studying, the judges, prosecutors and those kinds of people to be on the committee, not just people invited to participate as witnesses. That is an additional reason that we were right when we killed the bill originally. I heard a talk given by a county attorney just the other night speaking to

this very issue, and he was very concerned that we were trying to do away with the elected county attorney system that has served this state so well for many, many years. County attorneys are constitutional officers that have served this state and if that is the reason for the study, I think that we should just say so outright, but I don't think that we should be doing a study in this manner. I would encourage the members to defeat this once again as you did before.

SENATOR BARNES: Senator Colantuono, if this amendment is done over and added some of these folks that you have referred to, would you then be in favor?

SENATOR COLANTUONO: If we had a normal statutory study committee which doesn't involve committees, it would negate the principal objection that I have, because I do object to unnecessary legislation and that is what this was.

SENATOR SHAHEEN: I have to say that I was one of the people who spoke against and voted against this bill when it came before us the first time. I did that because I thought that what the committee was going to be looking at was already being dealt with through a study committee that the courts had set up. It was pointed out to me that one of the real issues that the study committee is going to be addressing or is designed to look at, is how county attorneys deal with sentencing and that is an issue that is not being dealt with through the court study committee. I think that is a legitimate issue. I know that the county attorney in Strafford county certainly deals with domestic violence cases in a way that is much different from all of the other county attorneys in the state. I think that this is an appropriate area of study. I think that if we give it our support as a statutory study committee, that it will carry added weight when it comes out with recommendations. I would urge the body to change your vote as I have done and support the study.

SENATOR PIGNATELLI: Senator Shaheen, did you say that the study will center around the sentencing of county prosecutors?

SENATOR SHAHEEN: As one of the areas of study was explained to me, it was going to look at how county attorneys deal with... I recognize that the judges actually do the sentencing, but with what county attorneys recommend for prosecution and that is an area that I think is good for a legitimate study and ought to be looked at.

SENATOR PIGNATELLI: The way that it looks to me and I would ask you that if you don't agree with it is, that the committee would examine the whole system, the whole system of the criminal prosecution at the District and Superior Court level and not just examine how sentences are handed out?

SENATOR SHAHEEN: Well that language is one of the reasons that I had a question about it the first time. Perhaps we need to clarify the way that language is written.

SENATOR PIGNATELLI: Perhaps we do.

SENATOR LOVEJOY: Senator Shaheen, Senator Colantuono said that this bill originated as an effort, he heard, to address the county attorneys and to perhaps change that system. Is that correct? Have you heard that?

SENATOR SHAHEEN: I have not heard that and I certainly would not be supportive of that. I think that the system that we have for electing county attorneys is very appropriate and I support it wholeheartedly.

SENATOR LOVEJOY: In the analysis, it says that the bill establishes the committee to examine the best way to ensure an efficient system. Are you suggesting, or does the amendment suggest, that the system that is now in place is not efficient?

SENATOR SHAHEEN: I can't answer that question, Senator Lovejoy. I think that you would have to ask the Judiciary Committee that originally heard the bill and made the ought to pass recommendation.

SENATOR LOVEJOY: Would this study committee, in any way, get into the study of our county attorney system that we now have?

SENATOR SHAHEEN: As I explained earlier, the way that it was explained to me, the bill would look at the way that county attorneys look at sentencing requirements and their recommendations. As I said, I think that is an appropriate area of study.

SENATOR RUSSMAN: I would rise in support of what Senator Colantuono said. This bill doesn't even come close to talking about what Senator Shaheen just said. It says, "establishes a joint legislative committee to examine and recommend the best way to ensure an efficient system of criminal prosecution at the District and Superior Court level." Now that doesn't address domestic violence. It doesn't address the way that the county attorneys or the attorney general's office is going to prosecute cases. It begs the question of whether or not there is an efficient method whereby we dispense justice in this state. If these committees want to get together and have informal sessions, they ought to do so, but statutorily, I mean, nothing around here ever dies, we either pass it or we study it, one or the other. It seems like this is another effort at doing something like that. I think that you first have to identify the problem and then let's make a cure. If you want uniform sentencing, then you ought to pass mandatory sentencing, if that is what you believe in or if there are minimums that should be met, then you ought to pass legislation to do that, but to have a free-wheeling committee that is just going to go off and have other experts on it as may be appropriate for participation, I don't think that you're ever going to see a beginning or an end to that. I mean, I certainly would think that it is unnecessary at this point. If it is inefficient in part, it is because when I started practicing law over 20 years ago, we had maybe approximately seven or eight inches of volumes of law. Now in my office we have virtually two arms' length of law books that this legislature has passed and you wonder why there may be problems in terms of any dispensing of justice. This certainly isn't necessary as far as codification or anything else. If there is a specific problem with domestic violence, then we ought to have an amendment or a bill that that is what you want to address and then that is what we would address and deal with the penalties prescribed in it.

SENATOR BALDIZAR: Senator Russman, would you believe, that I agree with you, that there are many bills that come before us that should meet a quick demise and shouldn't be studied any further? Would you agree that I believe that?

SENATOR RUSSMAN: Sure.

SENATOR BALDIZAR: However, this is not one of them.

SENATOR RUSSMAN: I gathered that.

SENATOR BALDIZAR: But would you believe, that I believe, that this bill is necessary because, it is my understanding, and we did have this bill before us in the Judiciary Committee, there was some confusion on the Senate floor the day that we exec'd it. It is my understanding that this bill

is necessary because at the district court level, some counties use police prosecutors and not all counties have police prosecutors. So I think that there is a problem with some consistency along the line as it relates to county attorneys and police prosecutors and I think that that is one of the reasons why we needed to establish this study, would you believe?

SENATOR RUSSMAN: I believe that you're saying that, but the reality of it is, is that some towns have the money to hire a police prosecutor and some towns actually band together and hire an attorney to prosecute their cases. On serious cases, on probable cause hearings involving felonies, generally the county attorney's office in the county sends over an assistant county attorney to see that the case is properly and adequately prosecuted, but in the general traffic court situation, very often the police officers themselves, or a police prosecutor, a policeman who tends to specialize, Paul Canfield down in Derry, excellent prosecutor, he has been doing it for probably 15 years and is as good as any lawyer, frankly, as far as I am concerned. Certainly, they do a good job. Some towns, it is more budgetary problems than anything else that perhaps they cannot afford it, but it doesn't mean that it is not an efficient way to do it or it doesn't ensure an efficient way to do it.

SENATOR HOLLINGWORTH: I would just like to speak briefly, because this was a bill as Senator Baldizar stated, that went through Judiciary and it came out to this floor with an ought to pass motion. It was strange that we lost that bill because we had received support in the Judiciary hearing for that bill. Who supported it? The committee had a hearing and the record clearly indicated that there was strong support for the bill. I don't believe that there was any opposition to the legislation at all, to my recollection. I can tell you that I served last session on a committee that was established by just the legislature, which was Chaired by Senator Fraser, and it was one of the most successful study committees that I have seen come out of the process. We called people before us, Senator Podles was on that committee as well, and we brought in people from the prosecutors from all over the process. We were able to get a lot of good information and we passed, I think, four pieces of legislation through that committee and it worked well because it was legislators. So the argument, I don't think, is founded, as a study that just has legislators on it aren't successful, because, clearly, we were successful and we were able to bring about a solution to the problems that were there. So I would say that this is a study committee, that it has received support of the Judiciary committee and it is only back before us because there was confusion at the time that the bill was brought before us and not passed.

SENATOR PODLES: Senator Hollingworth, would you believe that this bill was passed in the Judiciary committee, but it got killed on the floor and it is now back again?

SENATOR HOLLINGWORTH: That is exactly what I am stating, Senator Podles. That we had passed it in Judiciary. The reason that it lost on the floor was because of two . . . the reason that it was killed though, was because of two of the people who are now bringing it back before us, were not clear on what the bill did and the two people who had opposed it have brought it back as ought to pass now, on this piece of legislation.

Question is on the floor amendment.

Division vote is requested.

Yeas: 11 - Nays: 12

Floor amendment fails.

Ordered to third reading.

HB 1010, an act relative to a 10-year transportation plan. Capital Budget Committee. Ought to pass. Senator Shaheen for the committee.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass.

Adopted.

Senator Shaheen offered a floor amendment.

6475B

Floor Amendment to HB 1010-LOCAL

Amend the bill by replacing lines 1-4 of section 1 of the bill with the following:

1 New Chapter; State 10-year Transportation Plan. Amend RSA by inserting after chapter 239 the following new chapter:

CHAPTER 240

STATE 10-YEAR TRANSPORTATION PLAN

240:1 Legislative Intent. This plan is predicated on the report submitted to the legislature by the Governor dated January, 1994 and is intended to serve as the guideline for transportation projects in the state for the next decade.

SENATOR SHAHEEN: The floor amendment as you can see, makes a very minor change in the bill. It adds the title, "STATE 10-YEAR TRANSPORTATION PLAN," to the bill.

SENATOR BLAISDELL: Senator Shaheen, someone just passed out some information on the Department of Transportation. Who are these from?

SENATOR SHAHEEN: Oh, I am sorry. The letter does not really relate to the amendment. But the letter is a response to Gene Chandler, Chair of the House Public Works committee, from Leon Kenison, Assistant Commissioner. The notes on the letter are Gene Chandler's notes. The personal notes are . . . this is the letter that was provided by the committee by Gene Chandler when he testified in favor of the bill.

SENATOR BLAISDELL: Senator Shaheen, as I look at this note, I see looking under number 9 & 10 of Keene, is that what that says, that the municipality has changed its mind? Is that what he has down there for notes?

SENATOR SHAHEEN: That might be what he has down there for notes, but I have to say, Senator Blaisdell, that the committee did not address any of Representative Chandler's notes in our deliberations on HB 1010. So those were not an issue that influenced our committee.

SENATOR BLAISDELL: Would you believe, that Peter Ryner and Councilor William Beauregard from Keene, I believe, spoke before that committee, Senator Shaheen, and said that we still wanted to be where we were and we did not want to be removed from that because our West Street loop is very important to us and I don't understand, because I can tell you that the City of Keene has not changed its mind, they want to stay where they were?

SENATOR SHAHEEN: I certainly believe that and it was pointed out at the hearing that Keene was one of the few communities that came in and testified at the House hearing. They were not at the Senate hearing, so I assumed that their problems had been resolved.

SENATOR BLAISDELL: Thank you, Senator Shaheen.

Floor amendment adopted.

Ordered to third reading.

HB 1217-FN-LOCAL, an act relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges. Capital Budget. Ought to pass with amendment. Senator MacDonald for the committee.

6420B

Amendment to HB 1217-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the apportionment of cost of bridge maintenance between municipalities, relative to the carrying capacity of bridges, authorizing the use of a capital appropriation for the fire standards and training dormitory, for training equipment and making an appropriation to the department of transportation.

Amend the bill by replacing all after section 2 with the following:

3 Capital Appropriation; Fire Standards and Training Dormitory. Amend 1993, 359:1, XI, B to read as follows:

B. Fire standards and training dormitory

and other training structures and equipment \$2,126,500

4 Appropriation; Exit 15 in City of Concord. The sum of \$102,530 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of transportation for the costs of physical improvements to widen the route I-93 southbound entrance ramp on route I-393 west. The appropriation shall be a charge against the highway fund.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the required carrying capacity of bridges constructed with bridge aid funds so that such bridges must meet RSA 266 legal load requirements. Under current law, the requirement is a 15-ton carrying capacity. The bill specifies that bridges reconstructed with bridge aid funds must have a 15-ton carrying capacity.

This bill permits municipalities to adopt their own financial arrangements relative to the cost of bridge construction or reconstruction, instead of requiring that a formula based on equalized valuations be used in all cases.

This bill authorizes a capital appropriation for the fire standards and training dormitory to be used for other training structures and equipment.

This bill also makes an appropriation to the department of transportation for the costs of widening the route I-93 southbound entrance ramp on route I-393 westbound.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Senator Lamirande offered a floor amendment.

6493B

Floor Amendment to HB 1217-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the apportionment of cost of bridge maintenance between municipalities; relative to the carrying capacity of bridges; authorizing the use of a capital appropriation for the fire standards and training dormitory for training equipment; making an appropriation to the department of transportation; and establishing a committee to examine the problems of an inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Railroad Overpass Study.

I. There is created a committee to study the dangerous and inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire. The committee shall consist of the following members:

(a) Two members of the senate, one of whom shall be a member of the transportation committee and one of whom shall be from Coos county, appointed by the senate president.

(b) Two members of the house, one of whom shall be a member of the transportation committee and one of whom shall be from Coos county, appointed by the speaker of the house.

(c) The commissioner of the department of transportation, or designee.

(d) Three selectmen from the town of Dalton, appointed by the governor.

(e) Two representatives from the Guilford Vermont Railroad Company, appointed by the company.

II. The senate member from the transportation committee shall call the first meeting within 30 days of the effective date of this act. Legislative members shall receive mileage at the legislative rate.

III. Report. The committee shall submit a report of its findings and recommendations, including proposed legislation, to the governor, the senate president, the speaker of the house, and the senate transportation committee on or before November 1, 1994.

AMENDED ANALYSIS

This bill:

I. Changes the required carrying capacity of bridges constructed with bridge aid funds so that such bridges must meet RSA 266 legal load requirements. Under current law, the requirement is a 15-ton carrying capacity. The bill specifies that bridges reconstructed with bridge aid funds must have a 15-ton carrying capacity.

II. Permits municipalities to adopt their own financial arrangements relative to the cost of bridge construction or reconstruction, instead of requiring that a formula based on equalized valuations be used in all cases.

III. Authorizes a capital appropriation for the fire standards and training dormitory to be used for other training structures and equipment.

IV. Makes an appropriation to the department of transportation for the costs of widening the route I-93 southbound entrance ramp on route I-393 westbound.

V. Establishes a committee to examine the problems of an inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire.

SENATOR LAMIRANDE: This amendment is basically for a study committee for the Dalton bridge, that is the inadequate railroad overpass on New

Hampshire 135 on the John's River in Dalton. Last week, as a matter of fact, I was informed this morning, that some people from the Department of Transportation were up in this area, and that one of the bridges in the same location has been closed because the gap in the foundation is approximately this wide and in seeing that they closed the bridge up there. The other, this Dalton overpass, has an additional crack in the foundation and it is very dangerous and hazardous. A study committee needs to be formed in order to include the Gilford Vermont Railroad Company, so that they can address the problem because it is the railroad that passes over that is the problem here and they do still use the railroad. What this does is to add a study committee to it so that problem can be addressed and legislation can be brought back in the 1995 session.

SENATOR BARNES: Senator Lamirande, is this bridge anywhere near that ski jump? Was that a yes or a no, Senator?

SENATOR LAMIRANDE: It is approximately 25 miles away from the ski jump. It is quite a ways away.

SENATOR BARNES: Why are there so many problems with things breaking down in that geographic area?

SENATOR LAMIRANDE: I am glad that you asked that question, Senator Barnes.

SENATOR BARNES: I can see already that I made a mistake.

SENATOR LAMIRANDE: Because we virtually are nonexistent as far as past the notches go and this is a way of making people know that, yes, we do exist beyond the notches. Thank you, Senator Barnes.

SENATOR BARNES: We talked at lunch, that is how that happened, right?

Floor amendment adopted.

Ordered to third reading.

HB 1484-LOCAL, an act relative to the tax exempt status of certain properties. Ways and Means Committee. Ought to pass with amendment. Senator MacDonald for the committee.

6444B

Amendment to HB 1484

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the tax-exempt status of certain properties and establishing a study committee to review the laws governing tax-exempt property and the concept of and criteria for payment in lieu of taxes by the state and tax-exempt properties.

Amend the bill by replacing all after section 4 with the following:

5 Committee Established.

I. There is established a committee to review the laws governing tax-exempt property and to study the concept of and criteria for payment in lieu of taxes by the state and tax-exempt properties. The committee shall be composed of the following:

- (a) Two senators, appointed by the senate president.
- (b) Two representatives, appointed by the speaker of the house.
- (c) The commissioner of administrative services, or designee.
- (d) One representative of the New Hampshire Business and Industry Association, appointed by the association.
- (e) One representative of the New Hampshire Association of Commerce and Industry, Inc., appointed by the association.

(f) One representative of the New Hampshire Municipal Association, appointed by the association.

(g) One representative of the New Hampshire Tax Assessors Association, appointed by the association.

(h) One representative of the university system of New Hampshire, appointed by the chancellor.

(i) One representative of the New Hampshire College and University Council, appointed by the council.

(j) One representative from a tax-exempt hospital, appointed by the New Hampshire Hospital Association.

(k) One representative from a tax-exempt church, appointed by the New Hampshire Council of Churches.

(l) One representative from youth and camp activities organizations, appointed by the Granite Coalition, YMCAs.

(m) One representative from an art or cultural organization, appointed by Arts 1000.

(n) One representative of the counties, appointed by the New Hampshire Association of Counties.

(o) One representative of the Granite State Association of Non-Profits, appointed by the association.

II. All appointments to the committee shall be made within 30 days of the effective date of this section. The first appointed representative shall call the first meeting of the committee within 2 weeks after the last appointment is made. At the first meeting, the committee shall elect a chair from among its members.

III. Members of the committee shall serve without compensation except that legislative members shall receive mileage at the legislative rate.

IV. The committee shall meet as often as it deems necessary.

6 Duties and Report.

I. The committee shall examine all sides of the problem of tax-exempt property and shall consider the feasibility of the concept of payment in lieu of taxes by the state and tax-exempt properties as a method of dealing with the tax-exempt property issue.

II. The committee shall have the cooperation and technical assistance of such state agencies as may be necessary to prepare a report.

III. The committee shall report its findings and recommendations for legislation to the senate president and the speaker of the house on or before November 4, 1994.

7 Effective Date.

I. Sections 1-4 of this act shall take effect April 1, 1994.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill places increased restrictions on the granting of property tax exemptions on property owned by churches, schools, colleges, universities and charitable organizations.

The bill also establishes a study committee to review the laws governing tax-exempt property and the concept of and criteria for payment in lieu of taxes by the state and tax-exempt properties.

SENATOR MACDONALD: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Senator McLane offered a floor amendment.

6492B

Floor Amendment to HB 1484

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the tax-exempt status of certain properties and adding members to the study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax exempt properties.

Amend the bill by replacing all after section 4 with the following:

5 New Subparagraphs; Committee Expanded. Amend 1992, 81:1, I by inserting after subparagraph (l) the following new subparagraphs:

(m) The commissioner of administrative services, or designee.

(n) One representative of the New Hampshire Tax Assessors Association, appointed by the association.

(o) One representative of the university system of New Hampshire, appointed by the chancellor.

(p) One representative of the New Hampshire College and University Council, appointed by the council.

(q) One representative from youth and camp activities organizations, appointed by the Granite Coalition, YMCAs.

(r) One representative from an art or cultural organization, appointed by Arts 1000.

(s) One representative of the counties, appointed by the New Hampshire Association of Counties.

6 Contingency. If HB 1574 of the 1994 legislative session becomes law, section 5 of this act shall take effect at 12:01 a.m. on the date that HB 1574 takes effect. If HB 1574 of the 1994 legislative session does not become law, section 5 of this act shall not take effect.

7 Effective Date.

I. Section 5 of this act shall take effect as provided in section 6 of this act.

II. Section 6 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect April 1, 1994.

AMENDED ANALYSIS

This bill places increased restrictions on the granting of property tax exemptions on property owned by churches, schools, colleges, universities and charitable organizations.

The bill also adds members to the study committee to review the laws governing tax-exempt property and the concept of and criteria for payment in lieu of taxes by the state and tax-exempt properties, which was established in 1992, 81:1.

SENATOR MCLANE: This problem of whether to tax exempt institutions has gone on for a long time and I have served on the study committee for a long time. It is probably never going to be resolved, but we felt that a continuation of this committee and the whole discussion of core services and such, needed to go on, but the committee has to be fair. It has to represent the churches. It has to represent the colleges. It has to represent the taxpayers. It has to have the help of some of the state employees. This amendment has been agreed upon by all sides in this continuing and interesting battle. I would present this to you as an agreed-upon amendment. I guess it probably would be helpful if you turn to page 25 in your calendar. That tells you who else is on the committee. What this has done is add, in reality, three people from one side and three people from the other. When I say

one side and the other, what I mean I am not going to say the 'good guys and the taxers,' but I am going to say, the municipal folk and the church and school folk. What I am saying is, that you need a balanced and effective committee. The Senator from the 12th district has just asked me if the churches were represented. It is very clear from page 25 that the Council of Churches does have a representative of tax exempt churches.

SENATOR BARNES: Senator McLane, can you do us a quick favor? You did mention that your amendment, that all it does is to put six new members on this committee? Could you spell that out for us, please? Could you tell us who these six people are, what groups they are? What are you adding to this that we didn't do in committee?

SENATOR MCLANE: I am adding that which we didn't do in committee, the representative of the Youth and Camp Activities, the representative of the New Hampshire

SENATOR BARNES: I thought that we covered that pretty good in committee?

SENATOR MCLANE: Well you did, but you had to . . . what we are doing here, is adding back to the old committee, these extra people. This does not establish a committee.

SENATOR BARNES: Tell us who some of the extra people are. That is what I want to know?

SENATOR MCLANE: The people on the amendment are the extra people.

Recess.

Out of recess.

SENATOR MCLANE: In my asking you all to turn to page 25, I confused people, including myself. So I would like to ask you to not look at page 25. Think of the old committee and add these seven people to it. And when I said that there were sort of six on one side and six on the other of the issue of taxation of tax exempt properties, I did not add that also the counties will be represented which will be the seventh one. I think that those were the two questions that were brought up. I think that probably the most important thing, we have served Senator Barnes, Senator Shaheen and myself on this committee for many years, and I think that they will understand that this is a committee that needs to be balanced.

SENATOR SHAHEEN: Senator McLane, isn't it true that we have already passed a bill that increased the existing tax exempt committee, extended it for the next two years' legislative session and that the amendment that you are coming forward with today would merely expand the membership of the existing committee to include these seven people who represent areas of interest that the committee has been looking at so that they would add a perspective from those areas of interest?

SENATOR MCLANE: I think, Senator Shaheen, that if that had been the speech, instead of a question, that we wouldn't have had the problem.

SENATOR LOVEJOY: Senator McLane, TAPE INAUDIBLE police protection or fire protection or whatever, would this be the proper committee to look into that sort of thing?

SENATOR MCLANE: That is a typical committee, perhaps, that has been before this committee. There is no solution because the solution is for the state to put in some more money, but that is doubled in spades in the towns of Durham, Concord, Plymouth and other places where the state imposes an obligation and doesn't pay for it.

SENATOR LOVEJOY: This would be a proper committee to look at that?

SENATOR MCLANE: Yes.

SENATOR LOVEJOY: Thank you.

SENATOR BARNES: Something else came to my mind when Senator Lovejoy was speaking. Senator Lovejoy, if that were a private park, to answer your question, run by a church or something, that committee certainly would have that and did have it in front of it for the last four years, but the state end of it is something else again. The comment that I want to make is, having served four years in this legislature, two years in the House and two years in the Senate on this committee, I was concerned when I heard this morning, that a couple of members of the committee were very concerned with an amendment that was being brought in here today. It has been cleared up to my satisfaction, that the people that were concerned yesterday, are now in full agreement with what you have in front of you. So I urge you to get going and say yes, and the only thing that we might have to do is if we put any more members on is to use Representatives Hall for a meeting room.

Amendment adopted.

Ordered to third reading.

Senator Colantuono in opposition to HB 1484.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1104, making a person who knowingly causes the death of a judicial officer guilty of a capital offense.

HB 1111, permitting one-day family fishing licenses upon payment of a certain fee.

HB 1177, establishing an advisory committee on child care.

HB 1236, prohibiting the use of aerosol self-defense spray weapons against a law enforcement officer or in the course of committing a crime.

HB 1248, requiring disclosure that a buyer's premium will be charged at certain auctions in New Hampshire.

HB 1266, requiring certain property seized by the department of fish and game to be returned if the owner reimburses the department for expenses and pays the required fine.

HB 1439, establishing license and license fee requirements for the taking of sea urchins.

HB 1440, permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund.

HB 1502, removing certain reporting requirements for persons who wish to sell venison.

SB 510, eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops.

SB 549, relative to loans made by a bank to its executive officers, directors, or trustees.

SB 573, establishing a committee to study the relocation of abandoned manufactured homes within manufactured housing parks.

SB 579, relative to group II death benefits under the New Hampshire retirement system.

SB 598, extending lapse dates of certain appropriations in 1993, 349 (HB 1) and 1993, 359 (HB 25-A).

SB 606, authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies.

SB 622, changing the membership of the board of examiners of psychology and mental health practice.

Senator Currier moved adoption.

Adopted.

MOTION OF RECONSIDERATION

Senator Colantuono having voted with the prevailing side has moved reconsideration on **HB 1185-FN**, an act relative to fees charged for the registration of private pesticide applicators, whereby we ordered it to third reading.

SENATOR COLANTUONO: I move reconsideration and my colleagues have been briefed as to how to vote on this issue.

Motion of reconsideration fails.

MOTION OF RECONSIDERATION

Senator Shaheen having voted with the prevailing side has moved reconsideration on **SB 763**, establishing an executive board for community service.

Adopted.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 763, establishing an executive board for community service.

SENATOR SHAHEEN: What the bill did was to put in statute what has already been an executive order to establish an executive committee for community service in New Hampshire. It went through the Senate on a voice vote. It went through the House committee and they added an amendment that sunsets the bill at the end of three years. There was another amendment that was brought forward from the Executive Committee that has already been appointed and Ray Warden, who is the director at the Job Training Council, which is the administrative entity for the committee. The House overlooked that the amendment which would have had the wording of the committee mirror that of the national legislation. What we would like to do is to go to the Committee of Conference and address that problem in terms of the wording. I have already talked to the House Chair who acknowledges that that is something that should be done and they have agreed that that is something that we could do in the Committee of Conference.

Senator Shaheen moved non concurrence and requests a committee of conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Shaheen, J. King, Roberge.

MOTION OF RECONSIDERATION

Senator W. King having voted with the prevailing side moved reconsideration on **SB 719**, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan, whereby we moved non concurrence.

Adopted.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 719, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.

Senator W. King moved concurrence.

Adopted.

MOTION OF RECONSIDERATION

Senator Colantuono having voted with the prevailing side moved reconsideration on **HB 439**, an act relative to the profession of engineering, whereby we ordered it to third reading.

Adopted.

HB 439, an act relative to the profession of engineering.

Senator Colantuono offered a floor amendment.

6482B

Floor Amendment to HB 439

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the profession of engineering, and relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners.

Amend the bill by replacing all after section 18 with the following:

19 Approval of Director Deleted. Amend the introductory paragraph of RSA 316-A:3 to read as follows:

316-A:3 Rulemaking Authority and Practices. The board[, with the approval of the director of public health services,] shall adopt rules, pursuant to RSA 541-A, relative to:

20 New Subparagraph; Civil Penalties Authorized. Amend RSA 316-A:22, III (c) and (d) to read as follows:

(c) By revocation of license; [or]

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he has been found deficient[.];
or

(e) By imposing civil penalties for misconduct violations not to exceed \$1,000 for each violation or, in the case of continuing violations, \$100 per day as long as the violation continues.

21 Three-month Time-frame for Hearing Deleted. Amend RSA 316-A:23 to read as follows:

316-A:23 Notice and Hearing Procedure. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, with a written copy of the complaint filed and notice of the

time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. [A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties.] Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

22 New Section; Investigations, Subpoenas and Oaths Authorized. Amend RSA 316-A by inserting after section 23 the following new section:

316-A:23-a Investigations; Subpoenas; Oaths.

I. The board shall have the authority to investigate applicants, misconduct allegations and possible violations of this chapter. The board may subpoena witnesses, administer oaths and subpoena the production of documents in any investigation or hearing held pursuant to this chapter.

II. Licensees of the board shall not be entitled to witness or mileage fees for responding to a board subpoena. The board may serve subpoenas on such persons by certified mail sent to the business address which the licensee has provided to the board. Non-licensees subpoenaed by the board shall be entitled to the fees allowed witnesses in the superior court, but such subpoenas shall be valid for payment only if annotated: "Fees guaranteed by the New Hampshire Board of Chiropractic Examiners."

23 Repeal. RSA 316-A:4, relative to the powers and duties of the director of public health services, is repealed.

24 Effective Date.

I. Sections 1-18 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill renames the "board of engineers" the "board of professional engineers" and sets forth the purpose, jurisdiction, powers and duties of the board. It also authorizes the board to enforce professional requirements, make investigations and take appropriate disciplinary action. A civil liability immunity clause is provided for board members or employees.

A provision is made to hire investigators and other personnel necessary to perform the duties required under this bill. The board may also hire counsel and investigators upon the advice of the attorney general to investigate and prosecute violations. Licensure and accreditation are clarified, and those acts which constitute misconduct are expanded. The right to a hearing and an appeal are set forth.

The term "engineer" is redefined as "professional engineer" throughout RSA 310-A, and the term "professional engineering" is redefined as "engineering" in specified sections.

The bill also provides the board of chiropractic examiners with investigative and subpoena powers, and authorizes the board to impose civil penalties. It allows the board to make rules without the approval of the director of public health services, removes the 3-month time-frame to conduct a hearing, and repeals the section on the powers and duties of the director of public health services relative to rulemaking by the board.

SENATOR COLANTUONO: Just to give a background to what this is, ED & A committee is now attempting to put back onto this engineering bill a bill that we passed last year, Senator John King, Senator Disnard and I sponsored, to give the Chiropractic Board the same subpoena powers and other powers that every other board has and it got killed by the House last year, but the House promised to fix it this year and it didn't, whether they forgot or whatever. We attached this bill to another bill that we already sent

over to the House and that got killed the other day, so we are putting it back onto the engineering bill. I have a tentative word from the relevant key person in the House that this time around, that this time around, that person is going to accept this and hopefully, we can finally get done for the Chiropractic Board what should be done.

Floor amendment adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Cohen having voted with the prevailing side moved reconsideration on **HB 1100**, an act relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines, whereby we ordered it to third reading.

Adopted.

HB 1100, an act relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines.

Senator Cohen offered a floor amendment.

6472B

Floor Amendment to HB 1100

Amend RSA 466-A:3, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall sell, offer for sale, trade, give away, acquire, import, export, release or cause to be released a wolf hybrid in the state of New Hampshire, except as provided in paragraph II.

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. Two senators, appointed by the president of the senate.

Amend paragraphs V and VI of section 2 of the bill by replacing it with the following:

V. One member representing the New Hampshire Federation of Humane Societies, appointed by the federation.

VI. Two owners of wolf hybrids, appointed by the governor.

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. RSA 466-A:4 as inserted by section 1 of this act shall take effect on December 1, 1994.

II. Section 5 of this act shall take effect September 30, 1995.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill regulates the importation, possession and sale of wolf hybrids. Such regulation is prospectively repealed September 30, 1995.

This bill also establishes a committee to study issues relative to wolf hybrids.

SENATOR COHEN: This is really a housekeeping measure. It doesn't really change very much at all. It deletes the word, 'exhibit' which is in the original bill. It should have been deleted. It puts on two Senators so that there is equal representation with the House. It changes the Humane Society reference to the New Hampshire Federation of Humane Societies, appointed by the federation which is a change for the New Hampshire Humane So-

ciety which is one of the Humane Societies in the state. It should be the Federation. It also changed the reporting date to September 1, 1995, which had been July 1, 1995. So it gives them a little bit more time for the findings to become new legislation so that there won't be a lapse in time without legislation. It keeps the intent the same, it just is basically a housekeeping bill.

SENATOR LAMIRANDE: Senator Cohen, could you just answer this question for me? In your floor amendment, it says that, "No person shall sell, offer for sale, trade, give away, acquire, import, export, release or cause to be released a wolf hybrid in the State of New Hampshire, except as provided in paragraph II." Does that mean of the original bill, is that what that is, where it says, "hybrid means an offspring of two animals of different species or genera"?

SENATOR COHEN: Yes, that is correct.

SENATOR LAMIRANDE: That is new, isn't it?

SENATOR COHEN: No.

SENATOR LAMIRANDE: Is that in this bill also, I don't see it in that bill?

SENATOR COHEN: It is in there. This changes the original word 'exhibit' that was in section I. We simply took the word 'exhibit' out. That is just reworded. It is okay to exhibit.

SENATOR LAMIRANDE: I am just a little confused, Senator Cohen, because it says, "Amend RSA 466-A:3, I as inserted by section 1 of the bill by replacing it with the following: I. No person shall sell, offer for sale, trade, give away, acquire, import, export, release or cause to be released a wolf hybrid in the state of New Hampshire, except as provided in paragraph II." I don't see that in the original amended version of the bill.

SENATOR COHEN: It is on page two of the bill.

SENATOR LAMIRANDE: Okay, thank you.

Floor amendment adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Currier having voted with the prevailing side moved reconsideration on **HB 1187**, an act relative to the signature of manufactured housing park owners on deeds and the fee for such signature, whereby we ordered it to third reading.

Recess.

Out of recess.

Division vote requested.

Yeas: 11 - Nays: 11

Motion of reconsideration fails.

Senator Russman (Rule #42).

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 548-FN, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 548-FN, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 517, making it a crime to obstruct the reporting of a crime or a bodily injury.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 517, making it a crime to obstruct the reporting of a crime or a bodily injury.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 644-FN-A, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 644-FN-A, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101.

Senator Shaheen moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Shaheen, Cohen, MacDonald.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections.

Senator Blaisdell moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Blaisdell, Hollingworth, Currier.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 594-FN, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 594-FN, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license.

Senator McLane moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1327-FN, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Jeb Bradley
 Derek Owen
 Marilyn Campbell
 Leighton Pratt

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1327-FN, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game.

Senator Cohen moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Cohen, Lovejoy, Roberge

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 641-FN, relative to group II retirement system membership for peace officers in the division of safety services.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 641-FN, relative to group II retirement system membership for peace officers in the division of safety services.

Senator Delahunty moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 593-FN, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 593-FN, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor.

Senator J. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1309, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.

and requests a Committee of Conference:

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

Representatives:	Beverly, Gage
	Paul Drolet
	Patricia Dunlap
	Matthew Newland

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1309, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops.

Senator Delahunty moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Blaisdell, MacDonald, Hollingworth.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 605, relative to driving a motor vehicle after license revocation or suspension in another state.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 605, relative to driving a motor vehicle after license revocation or suspension in another state.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 516, making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 516, making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 771-FN-A, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation and prosecution of sexual assault cases.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 771-FN-A, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation and prosecution of sexual assault cases.

Senator Podles moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 757-FN-A, relative to an education tax credit against the business profits tax.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 757-FN-A, relative to an education tax credit against the business profits tax.

Senator Disnard moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 724, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 724, relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing.

Senator Roberge moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 144-FN-A, relative to the legacies and successions tax on property jointly owned.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 144-FN-A, relative to the legacies and successions tax on property jointly owned.

Senator McLane moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1180, modifying the arson statutes to include historic structures and increasing the penalty.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

Representatives:	C. William Johnson
	Katherine Metzger
	Vivian Clark
	William Knowles

SENATE ACCEDES TO REQUEST FOR**A COMMITTEE OF CONFERENCE**

HB 1180, modifying the arson statutes to include historic structures and increasing the penalty.

Senator Podles moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Podles, Colantuono, Baldizar.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 747-FN, relative to lease-purchase agreements.

SENATE NON CONCURS AND REQUESTS**A COMMITTEE OF CONFERENCE**

SB 747-FN, relative to lease-purchase agreements.

Senator Fraser moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Fraser, Baldizar, Lamirande.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 547-FN-A, authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 547-FN-A, authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude's Pond in Boscawen and making an appropriation therefor.

Senator Cohen moved concurrence.

Adopted.**HOUSE MESSAGE**

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 788-FN-LOCAL, relative to alternative fuel motor vehicles.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 788-FN-LOCAL, relative to alternative fuel motor vehicles.

Senator Russman moved concurrence.

Adopted.**HOUSE MESSAGE**

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 674-FN-A, placing responsibility for dredging projects in tidal waters with the port authority and continually appropriating certain fees to the port authority.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 674-FN-A, placing responsibility for dredging projects in tidal waters with the port authority and continually appropriating certain fees to the port authority.

Senator Russman moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 628, requiring the department of safety to keep drivers' records confidential except for certain reasons.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Tom Cain
Fred Kruse
Maurice Reagan
Bernie Raynowska

SENATE REFUSES TO ACCEDE TO REQUEST FOR**A COMMITTEE OF CONFERENCE**

HB 628, requiring the department of safety to keep drivers' records confidential except for certain reasons.

Senator MacDonald moved non concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 759-FN-A, relative to child support and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 759-FN-A, relative to child support and making an appropriation therefor.

Senator J. King moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 225-FN, relative to shoreland protection.

SENATE NON CONCURS AND REQUESTS**A COMMITTEE OF CONFERENCE**

SB 225-FN, relative to shoreland protection.

Senator Russman moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: McLane, Pignatelli, Russman

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1240, permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Howard Dickinson
 Charles Royce
 Ann Holl
 Mike Whalley

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1240, permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water.

Senator Russman moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Bourque, Pignatelli, MacDonald.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 655-FN-A, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 655-FN-A, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor.

Senator Russman moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 774-FN, to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 774-FN, to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor.

Senator Delahunty moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 775-FN, providing medicaid coverage for adults 18 to 64 years of age.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 775-FN, providing medicaid coverage for adults 18 to 64 years of age.

Senator Delahunty moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 572-FN, relative to maximum benefit limitations under the New Hampshire retirement system.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 572-FN, relative to maximum benefit limitations under the New Hampshire retirement system.

Senator Delahunty moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 787-FN-A, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 787-FN-A, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor.

Senator Delahunty moved concurrence.

Adopted.

Recess.

Out of recess.

COMMITTEE REPORTS

HB 1528-FN-L, an act establishing a safe school zone and relative to school violence. Judiciary committee. Majority report: Ought to pass with amendment. Senator Hollingworth for the committee. Minority report: Ought to pass with amendment. Senator Colantuono for the committee.

6459B

Amendment to HB 1528-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Board's Rulemaking Authority Added. Amend RSA21-N:9, II by inserting after subparagraph (w) the following new subparagraph:

(x) Safe school zones, as provided in RSA 193-D:2.

2 Change "Dismissal" to "Expulsion." Amend RSA 193:13 to read as follows:

193:13 Suspension and [Dismissal] **Expulsion** of Pupils.

I. The superintendent, or [his] **a** representative [as] designated in writing, is authorized to suspend pupils from school for gross misconduct **or for neglect or refusal to conform to the reasonable rules of the school**, providing that where there is a suspension lasting beyond 5 school days, the parent or guardian has the right to appeal any such suspension to the local board. Any suspension to continue beyond 20 school days must be approved by the local board.

II. Any pupil may be [dismissed] **expelled** from school by the local school board for gross misconduct or for [neglect or refusal to conform to the reasonable rules of the school] **an act of theft, destruction, or violence as defined in RSA 193-D:1**, and [said] **the** pupil shall not attend school until restored by the local board. Any [dismissal must] **expulsion shall** be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such [dismissal] **expulsion** by the local board to the state board of education.

III. **Any pupil who knowingly possesses a firearm in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board.**

3 New Chapter; Safe School Zones. Amend RSA 193 by inserting after chapter 193-C the following new chapter:

CHAPTER 193-D**SAFE SCHOOL ZONES**

193-D:1 Definitions. In this chapter:

I. "Act of theft, destruction, or violence" means an act set forth in the following statutes regardless of the age of the perpetrator:

(a) Homicide under RSA 630.

(b) Any first or second degree assault under RSA 631.

(c) Any felonious or aggravated felonious sexual assault under RSA 632-A.

(d) Criminal mischief under RSA 634:2.

(e) Unlawful possession or sale of a firearm or other dangerous weapon under RSA159.

(f) Arson under RSA 634:1.

(g) Burglary under RSA 635.

(h) Robbery under RSA 636.

(i) Theft under RSA 637.

(j) Illegal sale or possession of a controlled drug under RSA318-B.

II. "Safe school zone" means an area inclusive of any school property or school buses.

III. "School" means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A.

IV. "School employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing or performing continuing contract services for any public or private school, school district, school department, or school administrative unit.

V. "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

VI. "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

193-D:2 State Board Rulemaking Authority; Public School District Policies.

I. The state board of education shall adopt rules relative to safe school zones, under RSA 541-A, for public school pupils and public school employees regarding:

(a) Disciplinary proceedings, including procedures assuring due process.

(b)(1) Standards and procedures for suspension and expulsion of pupils, including procedures assuring due process.

(2) Standards and procedures which shall require expulsion of a pupil for knowingly possessing a firearm in a safe school zone without written authorization from the superintendent or designee.

(c) Procedures pertaining to discipline of pupils with special needs, including procedures assuring due process.

(d) Procedures for reporting acts of theft, destruction, or violence under RSA 193-D:4.

II. Nothing in this chapter shall prohibit local school boards from adopting and implementing policies relative to pupil conduct and disciplinary procedures.

193-D:3 Criminal Penalties. Any person convicted of an act of theft, destruction, or violence as defined in RSA 193-D:1 committed in a safe school zone at any time of year may be subject to an extended term of imprisonment as provided in RSA 651:6.

193-D:4 Written Report Required.

I. Any public or private school employee shall report an act of theft, destruction, or violence witnessed by such employee in a safe school zone in writing to an immediate supervisor. A supervisor receiving such report shall immediately forward it to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the employee and filed with the local law enforcement authority within 48 hours.

II. The report required under paragraph I shall include:

(a) The name and home address, if known, of any person suspected of committing an act of theft, destruction, or violence in a safe school zone.

(b) The name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.

(c) Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.

193-D:5 Waiver of Written Report Requirement. The written report required under RSA 193-D:4 shall be waived by law enforcement officials when there is a law enforcement response at the time of the incident which results in a written police report.

193-D:6 Penalties for Failure to Report.

I. Any person who knowingly fails to comply with the reporting requirements under RSA 193-D:4 for acts of theft, destruction, or violence, unless such report is waived under RSA 193-D:5, shall be guilty of a class B misdemeanor.

193-D:7 Confidentiality. Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

193-D:8 Transfer Records; Notice. A pupil transferring into a local system shall request that a copy of the pupil's complete school record from the previous school be forwarded directly to the new school system. All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

4 New Subparagraph; Extended Term of Imprisonment; Crime Committed in Safe School Zone. Amend RSA 651:6, I(i) to read as follows:

(i) He was an on-duty law enforcement officer at the time that he committed or attempted to commit any of the crimes defined in RSA 631[.];
or

(j) He has committed a crime listed in RSA 193-D:1 in a safe school zone under RSA193-D.

5 Effective Date.

I. Sections 1 and RSA 193-D:1 and RSA 193-D:2 as inserted by section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect September 1, 1994.

AMENDED ANALYSIS

This bill inserts a chapter relative to safe school zones which addresses and defines acts of theft, destruction, or violence, including possession of a weapon.

Local school boards may adopt rules regarding safe school zones. In both public and private schools, notice regarding transferring pupils found in violation of this chapter is required.

A penalty provision provides for enhanced penalties under the laws of this state.

Public and private school personnel are required to report any incident involving acts of theft, destruction, or violence.

SENATOR COLANTUONO: This bill had a vote of 3 to 2. The minority report is on page 20 in the calendar. I am sure that you all know a lot about this bill and heard a lot about this bill. It is a very important bill. The committee had two lengthy hearings with a lot of opposition to the bill, expressed by the public in the form that it came out of the House. But because we didn't want to simply kill the bill, we were very hard on various versions. We couldn't come to closure on one version that everyone could agree to, but the version on page 20, which is the minority report, is a version that the opponents to the bill, do agree to, the governor's office agrees to it. It does everything which, in my opinion, needs to be done to have a good safe school zone law. And because of the fact that the hour is late, I don't want to belabor it, but just simply state that it does beef up the current suspension and expulsion rules to allow suspension for any gross misconduct or neglect or refusal to conform to the reasonable rules

of the school. It allows expulsion for gross misconduct or for any act of theft, destruction or violence defined in the safe school zone law. And it mandates expulsion for any student who brings a firearm to the school. Then it sets up a safe school zone bill which has strict penalties and enhanced penalties for any person who commits the crimes listed on page 21 within a safe school zone. It also sets up rulemaking authority for the state board to set up procedural rules and disciplinary standards for these offenses involving the students. Furthermore, it requires a written report to law enforcement whenever school personnel see or witness any act of theft, destruction or violence within a safe school zone and that we allow the confidentiality under the juvenile laws to be waived so that the police and the school authorities can share information about this. Finally, what it does it to allow or require the transfer of records when one pupil transfers from one school system to another. They have to furnish a complete school record, including any records of incidents involving this law. Senator Disnard, I understand, has a floor amendment which is agreeable to the committee to change one small part of the law. With that, I will take any questions.

SENATOR COHEN: Senator Colantuono, the question that I have is that we are talking about safe school zones here. There is a part of the Baldizar amendment which refers to dangerous weapons, keeping dangerous weapons out of school. It specifies "Dangerous weapon" mean any knife with a blade longer than 2-1/2 inches, switch knife, stiletto, dagger, dirk knife, blackjack, metallic knuckles, slingshot, mace-like weapon, billies, or martial arts weapons." Is this in your bill?

SENATOR COLANTUONO: Most of those are covered, as you know from the committee discussion, covered on page 21 section I(e), "Unlawful possession or sale of a firearm or other dangerous weapon under RSA159."

SENATOR COHEN: It does not specify these dangerous weapons.

SENATOR COLANTUONO: Most of the ones that you listed are covered by that. Two and a half inched knives are not covered and they shouldn't be covered, in my opinion, because that includes cafeteria knives at lunch time.

SENATOR BALDIZAR: Senator Colantuono, does your bill prohibit guns in school, your amendment?

SENATOR COLANTUONO: No, Senator. Neither amendment prohibits guns in schools, nor does the original bill.

SENATOR BALDIZAR: Thank you. Does your amendment permit an adult or anyone over the age of 18 to bring weapons or firearms into schools?

SENATOR COLANTUONO: Under certain circumstances, if they are in lawful possession, they are allowed. They would not be committing a crime to bring a gun onto school property; however, that doesn't mean that they can just come in willy nilly and no one can do anything about it. Common sense has to be used here, keeping in mind that school property is property of the school district, school districts can make whatever reasonable rules that it wants. I think that if a person showed up for a football game and sat on the 50 yard line with his shotgun, he would be asked to leave. If he didn't leave, then he would be arrested for trespassing. So that is the current law and that would continue to be the law under this his bill.

SENATOR BALDIZAR: Senator Colantuono, would you believe that as we have discussed this over the weeks, and I am grateful that we have all have had an opportunity to sit down and talk about it and work it through and try to address the major concerns that came out of the House bill which I think that both of our amendments do. I think that one of the differences

in your amendment is the fact that it still does allow weapons in. I guess I need for you to explain for me, why you feel that someone who is not a school employee but subcontracts with the school to provide services, which may be janitorial, why that person should be permitted as they are under your amendment, to be armed when they enter the school? It is my understanding that someone who is a painter doesn't need a gun, a rifle or a knife to perform his maintenance job in the school. Could you explain to me why you feel that is necessary?

SENATOR COLANTUONO: Yes. There are several different aspects to that question. First of all, if you have a person doing work late at night when the school is closed and he is in a dangerous neighborhood, they might feel that they need a weapon for personal protection. I don't think that there is any reason why that shouldn't be allowed. The question of a person simply bringing a weapon in if they a tradesman doing a contract job at the school, the school can certainly, under their rights of contract, stipulate in their contract that they don't want them to bring any weapons in. That would be a matter between the school and the person being contracted. I think that there are adequate safeguards under existing law, under this bill as it is drafted and under common sense, to make sure that the rights of the students are going to be protected.

SENATOR BALDIZAR: Senator Colantuono, are you aware that the amendment that the majority is offering, addresses your first question about someone coming in at night and perhaps concerned about their safety, because part of the amendment does say that when the school is opened to the public or when it is not used for school purposes, weapons can be brought in and that would certainly fall under that category, so that would also be exempted in the amendment that the majority is offering?

SENATOR COLANTUONO: Yes, I am aware of that.

SENATOR BALDIZAR: Thank you.

SENATOR MCLANE: Senator Cohen has asked my question, although I don't believe that it was sufficiently answered. So never mind.

SENATOR W. KING: Senator Colantuono, Senator Currier, I apologize to you because I have not made a decision about how I am going to vote on this bill so this is very important that we are able to ask questions. Senator Colantuono, would you please try and explain the issue that divides you and Senator Baldizar on this?

SENATOR COLANTUONO: Yes. It is a very clear philosophical issue, because the majority report sets out a new crime. It is a status crime. It is the mere possession of a weapon in a zone, called a safe school zone, which we don't have right now. Many people believe that it would be unconstitutional and is a step which the minority and a lot of other interests don't want to take. Their bill says that if you have a weapon, in mere possession, a peaceful law abiding person, in mere possession of a weapon in a safe school zone, and if you don't fit within their narrow exceptions, I think that it is still called legitimate purpose, yeah, if you don't have what they define as a legitimate purpose, if for some reason you fall outside the boundaries of those, you are a criminal and can be prosecuted with some very severe penalties, even though you're doing nothing except possessing a weapon. So, that is the crux of the matter.

SENATOR W. KING: Under your amendment, Senator Colantuono, an adult can carry a weapon into a school as long as, if I have this right, as long as they lawfully possess that weapon?

SENATOR COLANTUONO: That is right and under Senator Baldizar's amendment, that would be true also, if they have a permit.

SENATOR W. KING: If I understand this correctly, the only time that you need a permit is for a concealed weapon?

SENATOR COLANTUONO: Loaded. Concealed and loaded.

SENATOR W. KING: Okay. A concealed and loaded weapon. If somebody were to drive up to a school and get out of their car with a shotgun or a semi automatic or whatever kind of weapon, but a weapon that you don't need a permit for to begin with, that would be considered a lawful weapon, and under your amendment they would be able to walk into the school with that, is that correct?

SENATOR W. KING: Not necessarily. They would not be subject to arrest and criminal penalties if they did that, but the school retains all rights, as I told you earlier, of telling them to leave if they are not welcome under school policy to do that. As I say, if you have a person walking into a school-room carrying a shotgun, the principal is going to tell them to get out of there and call the police, common sense. But, if the majority report passed, they would call the police, but not to tell them to leave or else be subjected to arrest for trespassing. They would be able to call the police to tell them to come and arrest them for a felony. And under your amendment the only way that they would be guilty of breaking the law is if they opened fire?

SENATOR COLANTUONO: Well, under my amendment, if they were in unlawful possession of a firearm, they would be guilty and if they committed any other crime, with or without the gun, they would be subject to extended terms of imprisonment.

SENATOR W. KING: If they were in lawful possession of that weapon, the only time that they would be breaking the law is if they opened fire or committed some other crime like light up a fire or something?

SENATOR COLANTUONO: That is right. For example, if you had a hunter cutting across a football field to get to the woods to go hunting, under my bill, they couldn't be prosecuted.

SENATOR W. KING: I am most interested in people walking into schools. I think that most of us agree that we don't want a hunter who is walking across the field to get arrested for that. That is why I am asking all of these questions. I want to make sure that that isn't going to happen. But, under your amendment, aside from the hunter in the field, in your opinion, does Senator Baldizar's amendment punish somebody unreasonably for walking across the field?

SENATOR COLANTUONO: Well, I guess that I would have to look at that.

SENATOR W. KING: Maybe I could ask the question differently.

SENATOR COLANTUONO: I can answer that. The majority report defines legitimate purpose to mean, "lawful possession by a person of a rifle or a shotgun which shall remain in a motor vehicle." So the answer is yes, it would unreasonably punish someone walking across the field with a shotgun, because that wouldn't be covered by the exception.

SENATOR W. KING: Are there other things not covered? If I were to say to you, that I would like to ban, personally like to ban, guns inside the school building, but I don't want to hurt law abiding citizens who are either crossing fields or parking to pick up their children and all of that, are there other things about the Baldizar amendment that you feel would do the same thing as you just talked about with the individual walking across the field?

SENATOR COLANTUONO: Well, the problem with the question is that it focuses on guns and this law is much broader than that because it covers all kinds of weapons. I mentioned the 2-1/2 knife. A person could have a swiss army knife walking into a school building and would be a felon under this.

SENATOR W. KING: Thank you.

SENATOR MCLANE: Senator Cohen asked and I would like to ask again, in your amendment, you discussed the words firearm, pistols, revolvers or other firearms whether or not there is ammunition within the weapon. But you have removed the words 'dangerous weapon'. It seems to me as I look at that definition, I think there is the essence of it. I don't want a kid carrying a stiletto or a dagger or a dirk knife or a black jack or metallic knuckles or sling shot or mace-like weapon or billyies or martial arts weapon into our schools. What guarantees within your bill that that will not happen?

SENATOR COLANTUONO: The words 'dangerous weapon' are in my bill. It is on page 21. You focused on student. "A student in unlawful possession of a dangerous weapon like a stiletto, would be committing an act of theft, destruction or violence," under my bill, and if you look up at the top, that student could be expelled from school for that act, for merely possessing that weapon in school. So I think that your concern is adequately covered there.

SENATOR MCLANE: Alright, that is what I wanted to know.

SENATOR PIGNATELLI: What I wanted to have done is that before we vote on one, I wanted to have discussion on both so that I would know what was in the other one.

SENATOR HOUGH (In the Chair): That will happen. If everyone has questioned or spoken on the minority report, the Chair now will recognize Senator Hollingworth for the majority report.

SENATOR HOLLINGWORTH: I would like the majority's amendment handed out, please. This is the majority's report. The reason that it is not in your calendar, I think that it is important that I tell you, is that we have been working since we have execed on this, with the agreement that we would try to take and get the agreement of all of the people involved. I have to tell you that one of the major issues that you heard Senator Colantuono talk about was the constitutionality. I want you to know that the attorney general and our Senate attorney worked on the Baldizar amendment that is being passed out to you right now.

Recess.

Out of recess.

SENATOR HOLLINGWORTH: The committee on Judiciary worked very hard. Primarily, Senator Baldizar spent hours trying to take and come up with a consensus. Her prime interest was that we would have a bill that would come out of committee that we could all support. All of us are interested in this piece of legislation, all of us want something to pass. I think that is the primary point that we have to start at. I know that that is what my motivation is and I know that that is what Senator Baldizar's motivation has been through this. She bent over backwards to try to get a consensus of everybody involved. In fact, she would not let us go to a vote until she tried every way that she could to bring every single senator in that committee together. She called the governor's office, she has bent over backwards with the Gun Owner's Association and with everyone else to try to bring to this body a piece of legislation that, number one, is going to be agreeable, but most importantly, it is going to have safe schools for our kids.

So what you have before you is a piece of legislation that does that. When we met as a committee, we took all of Tom Colantuono's amendments, everything that he wanted, every single piece. So what you see in our position here as a Senate, was all of Tom Colantuono's amendments, but more. And the little bit of difference based entirely on one real small issue, whether you want to extend protection in the schools to the kids totally or whether you want to say that adults can go into schools and on school grounds with guns. Now we have tried to resolve that issue, and what you will see in your amendment will be something about a legitimate purpose for guns. It clearly sets out when you can have a gun on school grounds. Because we know that there are some times when you are going hunting and you are going to have your gun in the rack and you want to go and pick up your kids. So the bill clearly states that you can do it. There are some conditions in which you feel a threat for your life and you want to get a permit to carry. That states that if you have a permit to carry, you can still bring that gun to school. Now there was some dissention, some people felt that that was going too far, that there shouldn't be any guns. But, recognizing that the deed to take and satisfy the interests of some of those people, the gun people primarily, who wanted to make sure that they could have that gun to protect themselves. We said okay, we will put that in there, so there is, make no mistake about it, if you have fear for your safety, you can get a permit and you can carry that gun to school. That is the crux of the whole difference. This is the difference between these two amendments. There are other little word changes and other little techniques and other little things, but, the bottom line is, we set out, and the reason that we did it is because the attorney general's office said that we needed to have it in there. You need to spell out clearly what's your reason for having a gun on school grounds and that is all that this does. It is exactly what the AG told us that we had to do, which is what we did with the legal assistance of our Senate counsel. The other changes that are going to come up if the floor amendments get to be heard before you, are to address a few more of the concerns of the gun sellers, gun owners and a couple of words that also satisfied some more interests of the Gun Association. Now I can only tell you that I think that we really want a bill to pass. Everybody in this room recognizes that. I was amazed. Susan McLane handed this to me the other day. It talks about that school violence has gone down or has stayed even. But he states that the radical difference is the term in the deadliness and that the percentage of the kids that were being injured. It says that in high school seniors, responding to a 1991 U.S. Department of Health and Human Services survey, 16 percent reported being threatened with a weapon at school in the previous year. Seven percent reported being injured by a weapon. A U.S. Department of Education survey in the same year, found eight percent of school teachers were threatened and two percent of those physically attacked by students at least once during the previous year and it goes on and on. Clearly the problem in New Hampshire isn't what it is in other places, but it is catching up. The people in this state who believe in family and in safety and everything else, should be trying to resolve this problem. I think that we have done it, but what we have done as a majority, is recognizing the interest of the people who want to have that gun, but we have said, these are the conditions in which you can have it on school premises. And that is constitutional. We do it in our courthouses, we don't let people walk through the courthouses with guns. Why should we allow them to go into school with guns? We don't let them come into the legislature with guns. We would never think of allowing them to come in here with a rifle in their hand or in their pocket. So we are not taking away any rights, that have not been already established in other places. We want school to

be a place where people go to learn. We hear so much about our kids not paying attention and all of the other things, we want this to be a safe harbor. That is precisely what the majority has supported. I would just say that I congratulate Senator Baldizar for working as hard as she did. She has put her heart and soul into this piece of legislation to try and build a consensus. I hope that you will support her because I think that this is a tremendously good piece of work.

SENATOR COHEN: I would like to echo the words of Senator Hollingworth. A great deal of work has been put into this. The big difference between the two versions is a safe school zone versus not a safe school zone. That is the big difference. What is left out, the Baldizar amendment as Senator Hollingworth said, is all of the Colantuono amendment and it adds one important paragraph, one important sentence. Without this we do not have a safe school. It says "a person shall be guilty of possession of a firearm or dangerous weapon in a safe school zone, if such person knowingly possesses a firearm or dangerous weapon in a safe school zone without a legitimate purpose." If we don't have that in there, we don't have a safe school zone. The knowingly, is very important in there and without a legitimate purpose is very important in there. I faxed a copy of this amendment to Riley's Gun Shop today to get their reaction to it. I had no idea what their reaction would be. I faxed it to one of the principals at Riley's Gun Shop who has been on the Board of Directors of the Gun Owners of New Hampshire. He told me that this amendment addresses all of the things that they were concerned about. The question of people with guns in the trunk of their car going onto school property or into a school zone, innocent people. This is what they were concerned about, we addressed that. People are concerned as Senator Hollingworth said about children with guns. This is yesterday's Foster's Daily Democrat headlines, "Children with guns. Rochester is concerned about this. Subhead line, Rochester residents worry about safety in city schools." Our constituents expect us to do what we can to get guns out of schools and just addressing pupils with guns is not enough, that does not create a safe school zone. Unless we have that definition in there, we are not creating a safe school zone. Let us not be fooled. We need the majority report and not the minority report.

SENATOR BALDIZAR: I appreciate some of the things that were said and I think that Senator Colantuono has also worked very hard on this. Senator Cohen and Senator Hollingworth, Representative Sytek, many of us have gotten together and we have tried very, very hard to address the issues. Representative Pat Skinner has also worked with us. The original bill that came to Senate Judiciary, certainly was technically flawed. I think that everyone who sat down tried to address the concerns that were out there. Mere possession of a fire arm, and I want everyone to understand this, mere possession of a firearm, is not a crime. In this amendment we don't want to make it a crime. This amendment is aimed at pupils. It is aimed at students under the age of 18. It exempts people with a legitimate purpose because we felt that we needed to do that. Senator Hollingworth started talking about the statistics. In the United States in one year, 31,000 children were victims. They were either killed or injured by firearms or dangerous weapons. In other countries in this world, the numbers of children who are injured by dangerous weapons is in the single digits. In the United States it is 31,000. That concerns me. That should concern every single one of us in this room. The Sunday night before the Senate hearing, I had two high school students show up at my home. They presented me with a petition. They said that they only had about four hours to work on this, but they got over 300 names. Students who are asking us to pass something

because they are afraid. They feel that they should have the right to go to school and not fear for their lives or fear that they are going to be injured. I agree with them and I think that everybody in this room agrees with them. How we get there is another story and that is why we have two amendments. I don't believe that there is any reason that we need to carry rifles into school. Senator Colantuono talked about common sense. I suppose if this were an ideal world and we all had common sense, we wouldn't have government because we would all know what to do, we would always be right all of the time and we wouldn't have to legislate. Unfortunately, we do have to make laws and one of the first reasons that we are here is to provide for the safety of the people who elected us. I think that the kids in the state of New Hampshire have the right to appeal to us. Senator Cohen mentioned Rochester. I have today's Telegraph. There is an article that talks about guns in schools leading to tighter security and it is an Associated Press story. How to keep dangerous weapons and people off school campuses has become an increasing concern of New Hampshire educators. In Rochester, Assistant Superintendent Michael Hopkins outlined a suggestion to a parent teacher group. Among them are plans to lock most side doors and to require identification tags for visitors. In Laconia, the school board is considering a policy to ban guns and other dangerous weapons from school property. Well that is what we are doing. We are talking about guns and dangerous weapons and we think that the state of New Hampshire and the New Hampshire State Senate and House of Representatives should set the policy for that. The school boards in this state are asking us to take responsibility and give them guidance. That is what this amendment does. Our amendments are not that far apart. But, Senator Colantuono's amendment, I believe, still allows what we shouldn't have. It allows more people to bring more guns into school. It is my opinion and I think the opinion of the majority of the committee and the majority of the people in this state who have contacted us and worked with us on this, that you don't need a gun in school to do your job, even if you're in there subcontracting for janitorial services or whatever, you don't need a gun to perform that service. It exempts people who are there for town meeting and when the school is not being used for school purposes, when it is being used for public purpose, weapons are permitted, but when it is being used for school purposes it is a safe zone. That is where I think that Senator Colantuono and the majority of the committee have a breakdown. We have defined what we believe a safe school zone and what a legitimate purpose are and that is where the problem lies. I would ask that each and every one of you to give the families and the children in the state of New Hampshire a safe school zone. Please vote this majority amendment ought to pass.

SENATOR LOVEJOY: Senator, I certainly want to compliment you before I ask my question as well as Senator Colantuono and the members of the Judiciary Committee who have worked so hard and long on this issue. I want to ask you a question, but first let me tell you that I am told that in Rochester, at the Spaulding High School last week, a student was stabbed in the hallway with a knife from the biology class. Would your amendment protect the students from that?

SENATOR BALDIZAR: I am not sure that that would be covered under this amendment if it was a weapon that was inside the school already. If it was there for the school purposes. If it was brought into the school, yes, it would if a pupil carried it in. But if you're saying that it was part of the biology lab equipment, then it wouldn't, but I would suggest that they keep that kind of stuff under lock and key until such time as they need it for whatever purposes that they need it to dissect or whatever.

SENATOR LOVEJOY: That is what they were doing is dissecting and in the hallway the student was stabbed in the buttocks with a biology knife. As I see it, I am asking you, your amendment wouldn't address that question would it?

SENATOR BALDIZAR: No, because it wouldn't have been a weapon that was brought into the school; however, I think that the local school board can certainly make a rule that whatever is passed out is counted at the end of class and made sure that it is returned to a safe place within that class room. I am sure that that could be dealt with at the local level.

SENATOR BALDIZAR: I was at an event last week and I was told as was the audience was by the speaker, that there are more deaths caused by baseball bats than there are by assault weapons, not Red Sox bats, no, Senator Barnes, they're not hitting anything right now. The question, Senator, would your amendment address using baseball bats as weapons?

SENATOR BALDIZAR: It does not, because a baseball bat is traditionally not a weapon, but it talks about, I believe, about martial arts weapon and it doesn't specifically say baseball bat, but I don't think that generally a baseball bat is considered a weapon. But I would like to see the printed material that you have that says that more kids have been injured by bats than by guns. I would like to see that.

SENATOR LOVEJOY: I was just repeating what the speaker said and I don't have that in writing.

SENATOR BALDIZAR: Well I wouldn't believe that to be true with the numbers that I have on the numbers of children who have been injured or killed by guns and dangerous weapons. Thank you.

SENATOR BLAISDELL: Senator Baldizar, I am having a tough time with this one.

SENATOR BALDIZAR: That makes two of us, Senator.

SENATOR BLAISDELL: I know it, Senator. Well, Senator Baldizar, as you know, my son Michael, thank God he had the training when he was very young, he is quite a gun person himself. He is probably one of the best trap shooters in probably New England and any other place, I guess. He has won a lot state championships. Me, I couldn't hit a bull in the fanny with a shovel. My question to you is, if I left my home which is at the Meadowlands in West Keene, and I had to drive through a school zone which is where the Jonathan Daniels School is, out to my son's house on Old Walpole Road to go up to the Serry place where he is trying to show me how to shoot, would I be in violation under this bill, if I drove through that zone and somebody stopped me with a gun in my car?

SENATOR BALDIZAR: No, Senator, not under Senator Colantuono's version or the majority report. Neither the minority or the majority report would get you in trouble. That is part of what we listened to and that is one of the concerns that we addressed.

SENATOR BLAISDELL: I guess the question that I want to ask you is this, in the testimony, I am sure that you people have done one heck of a good job on this and I commend you for it, but I still am having a tough time. Can you tell me if there was anybody that came in and spoke to the parent responsibility about these guns being brought into schools? Has anybody spoken to that at all where a parent would be responsible for a kid? What happens if he is a 15 or 16 year old kid? Who is responsible, just that child or are the parents? Are they responsible at all?

SENATOR BALDIZAR: Senator, I agree that that is certainly a substantial issue, and it was brought up for discussion; however, it is not the focus of either one of these amendments because as we try to establish a safe school zone, there are lots of other reasons how and why kids obtain guns. I mean they are not bringing them in because they have been packed off in their back packs with their lunch by their parents. Kids are getting them and they are bringing them in, there are gangs out there. We are trying to provide a safe place. We are particularly directing the legislation at pupils. The main intent is to make sure that students don't bring them into school. We have made exceptions, for anyone over 18, who has a valid permit to carry one and they feel that they need to carry one to protect themselves, they may bring them, but we are assuming that most students are not 18 and still in high school.

SENATOR BLAISDELL: Senator Baldizar, would you believe me that when I say that in the 24 years that I have been here, I have never found out how to legislate stupidity, and that is what this is?

SENATOR BALDIZAR: Let's work on common sense, Senator.

SENATOR HOLLINGWORTH: Senator Baldizar, isn't it true that what we attempted to do, was to take the person who brought in a weapon, in other words, it was a premature, it was a decision to bring that weapon in, to address that, because that is where the enhanced penalties come in. And while we know that there could be a knife in the laboratory, that would be somebody who picked that up, maybe in a moment, and that student will be punished. And under this piece of legislation and under the current laws, someone who would commit an act against a student does have punishment, but the enhancement and the other conditions that we tried to address were those premeditated incidences, is that not true?

SENATOR BALDIZAR: That is exactly correct, because we assumed that they would be particularly a kid. The reason that they would be bringing that weapon into school was to do business with it.

SENATOR HOLLINGWORTH: And further, the question that Senator Blaisdell mentioned to you about parents' stupidity. In fact, wasn't it discussed by the committee, that perhaps, or perhaps the majority of the committee, that perhaps there could be a confiscation of the weapon, that the parent would forfeit the weapon if it was the parent's weapon, but we felt that that was going further than what the bill addressed, and rather than to cause more unpleasantness, we decided that it was not appropriate to address at this time?

SENATOR BALDIZAR: That is correct and I might add, that is why I said that was really a discussion that wasn't the focus of either of these amendments, but perhaps would be discussed at some other point. But our intent was to listen to the problems out there and to fix a very technically flawed bill that came to the Senate, in a very short period of time and to not violate anyone's second amendment right. But at the same time, to put some common sense into this and to provide a safe school zone so that students can go to school and learn.

SENATOR HOLLINGWORTH: Senator Baldizar, isn't it true that we used the description of weapons as defined in RSA 159 because that is the chapter that defines weapons and in fact, that clubs, like baseball clubs that Senator Lovejoy mentioned would be covered?

SENATOR BALDIZAR: Yes, it would, Senator. I am glad that you brought that up, thank you. I would just like to add that we are really not that far apart, but the majority report is a tighter version. I think that it closes a loophole and I also think that we really need to do it if we want to establish a safe school zone.

SENATOR WHEELER: Senator Cohen, you mentioned that you spoke to Bob at Riley's Gun Shop and that you faxed him the Baldizar amendment. Did you fax him the Colantuono amendment as well?

SENATOR COHEN: No, I did not. He said that he was in support of the Baldizar amendment and that he had no problems with it and that it also took care of the innocent party carrying a gun through a school zone as Senator Blaisdell mentioned. It dealt with the home school problem and with the expelling problem, which is the only problem that the Gun Owners of New Hampshire had.

SENATOR WHEELER: Was there a reason when you called why you didn't ask for Ralph Demico, who is the owner of Riley's and is on the Board of the Gun Owners of New Hampshire?

SENATOR COHEN: In fact, I did ask for Ralph Demico, he wasn't there at the time.

SENATOR WHEELER: Okay. Thank you, Senator. I have one further question that I have to ask to clarify the written record and the public record. Would you believe that I called Bob back afterwards and explained the Colantuono amendment and the Baldizar amendment and asked him to take a better look at them and he said that he is now in support of the Colantuono amendment?

SENATOR COHEN: Did you fax him that?

SENATOR WHEELER: I didn't have the time.

SENATOR COHEN: Uh huh. Well I faxed him this particular amendment and he said that he was in support of it.

SENATOR LAMIRANDE: Did anybody ever get in touch with any of the gun shops in the North country? Did anyone fax any of this information to let us say, Ray's Gun Shop?

SENATOR COHEN: I dealt with one that I thought was the most prominent, well known shop.

SENATOR LAMIRANDE: I guess that I would have one further question. Do you know of anyone at all contacted from district 1, because this is a very serious thing dealing with that district, more so than any other part of the state, that is why I am asking the question?

SENATOR COHEN: We heard from many, many gun owners, people who were sportsmen and gun enthusiasts throughout the hearing. The problem that they mentioned was the innocent victim, the person who might have the gun in the back of the car driving through. This was their problem. This was their concern. And we dealt with that concern. There is certainly not agreement among even the organization, Gun Owners of New Hampshire, there is dissension within that organization. Some people support it and some people don't.

SENATOR WHEELER: Senator Cohen, could you tell me who you talked to from the Gun Owners of New Hampshire who supports the Baldizar amendment and who has seen both amendments?

SENATOR COHEN: It was my understanding, that the information that I got from Representative Welsh, as a matter of fact, who I believe is on the Gun Owners of New Hampshire, I was led to believe that. That also, that this fellow from Riley's was also on the Board of Directors of Gun Owners of New Hampshire. I was led to believe that they were both members of the Board of Directors.

SENATOR WHEELER: Thank you, Senator.

Question is on the minority amendment.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: Lamirande, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Blaisdell, Wheeler, Pignatelli, Colantuono, Podles, Barnes, Russman, Bourque, Delahunty.

The following Senators voted No: W. King, Baldizar, McLane, J. King, Shaheen, Hollingworth, Cohen.

Yeas: 16 - Nays: 7

Minority amendment adopted.

6461B

Amendment to HB 1528-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Board's Rulemaking Authority Added. Amend RSA21-N:9, II by inserting after subparagraph (w) the following new subparagraph:

(x) Safe school zones, as provided in RSA 193-D:2.

2 New Subdivision; Possession of a Dangerous Weapon in a Safe School Zone. Amend RSA 159 by inserting after section 24 the following new subdivision:

Possession of Firearm or Dangerous Weapon in a Safe School Zone

159:25 Possession of Firearms or Other Dangerous Weapons in a Safe School Zone.

I. A person shall be guilty of possession of a firearm or dangerous weapon in a safe school zone if such person knowingly possesses a firearm or dangerous weapon in a safe school zone without a legitimate purpose.

II. As used in this section:

(a) "Dangerous weapon" means any knife with a blade longer than 2-1/2 inches, switch knife, stiletto, dagger, dirk knife, blackjack, metallic knuckles, slingshot, mace-like weapon, billies, or martial arts weapon as defined in RSA 159:24, I.

(b) "Firearm" means a pistol, revolver, or other firearm whether or not there is ammunition within the weapon.

(c) "Legitimate purpose" means any activity authorized by the superintendent of schools or designee; any activity permitted by school policy; lawful possession by a person of a rifle or shotgun which shall remain in a motor vehicle; or possession of a firearm by any person, excluding pupils, who is 18 years of age or older and who possesses a valid New Hampshire permit to carry a pistol or revolver. It is not a legitimate purpose that a person fears for one's own or some other person's safety.

(d) "Mace-like weapon" means a heavy, often spiked staff or club.

(e) "Safe school zone" means "safe school zone" as defined in RSA193-D:1, II.

(f) "School property" means "school property" as defined in RSA193-D:1, V.

3 Change "Dismissal" to "Expulsion." Amend RSA 193:13 to read as follows:

193:13 Suspension and [Dismissal] *Expulsion* of Pupils.

I. The superintendent, or [his] *a* representative [as] designated in writing, is authorized to suspend pupils from school for gross misconduct

or for neglect or refusal to conform to the reasonable rules of the school, providing that where there is a suspension lasting beyond 5 school days, the parent or guardian has the right to appeal any such suspension to the local board. Any suspension to continue beyond 20 school days must be approved by the local board.

II. Any pupil may be [dismissed] *expelled* from school by the local school board for gross misconduct or for [neglect or refusal to conform to the reasonable rules of the school] *an act of theft, destruction, or violence as defined in RSA 193-D:1*, and [said] *the* pupil shall not attend school until restored by the local board. Any [dismissal must] *expulsion shall* be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such [dismissal] *expulsion* by the local board to the state board of education.

III. *Any pupil who knowingly possesses a firearm in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board.*

4 New Chapter; Safe School Zones. Amend RSA 193 by inserting after chapter 193-C the following new chapter:

CHAPTER 193-D

SAFE SCHOOL ZONES

193-D:1 Definitions. In this chapter:

I. "Act of theft, destruction, or violence" means an act set forth in the following statutes regardless of the age of the perpetrator:

(a) Homicide under RSA 630.

(b) Any first or second degree assault under RSA 631.

(c) Any felonious or aggravated felonious sexual assault under RSA 632-A.

(d) Criminal mischief under RSA 634:2.

(e) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.

(f) Arson under RSA 634:1.

(g) Burglary under RSA 635.

(h) Robbery under RSA 636.

(i) Theft under RSA 637.

(j) Illegal sale or possession of a controlled drug under RSA 318-B.

II. "Safe school zone" means an area inclusive of any school property or school buses.

III. "School" means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A.

IV. "School employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing or performing continuing contract services for any public or private school, school district, school department, or school administrative unit.

V. "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

VI. "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

193-D:2 State Board Rulemaking Authority; Public School District Policies.

I. The state board of education shall adopt rules relative to safe school zones, under RSA 541-A, for public school pupils and public school employees regarding:

(a) Disciplinary proceedings, including procedures assuring due process.

(b)(1) Standards and procedures for suspension and expulsion of pupils, including procedures assuring due process.

(2) Standards and procedures which shall require expulsion of a pupil for knowingly possessing a firearm in a safe school zone without written authorization from the superintendent or designee.

(c) Procedures pertaining to discipline of pupils with special needs, including procedures assuring due process.

(d) Procedures for reporting acts of theft, destruction, or violence under RSA 193-D:4.

II. Nothing in this chapter shall prohibit local school boards from adopting and implementing policies relative to pupil conduct and disciplinary procedures.

193-D:3 Criminal Penalties. Any person convicted of an act of theft, destruction, or violence as defined in RSA 193-D:1 committed in a safe school zone at any time of year may be subject to an extended term of imprisonment as provided in RSA 651:6.

193-D:4 Written Report Required.

I. Any public or private school employee shall report an act of theft, destruction, or violence witnessed by such employee in a safe school zone in writing to an immediate supervisor. A supervisor receiving such report shall immediately forward it to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the employee and filed with the local law enforcement authority within 48 hours.

II. The report required under paragraph I shall include:

(a) The name and home address, if known, of any person suspected of committing an act of theft, destruction, or violence in a safe school zone.

(b) The name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.

(c) Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.

193-D:5 Waiver of Written Report Requirement. The written report required under RSA 193-D:4 shall be waived by law enforcement officials when there is a law enforcement response at the time of the incident which results in a written police report.

193-D:6 Penalties for Failure to Report.

I. Any person who knowingly fails to comply with the reporting requirements under RSA 193-D:4 for acts of theft, destruction, or violence, unless such report is waived under RSA 193-D:5, shall be guilty of a class B misdemeanor.

193-D:7 Confidentiality. Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

193-D:8 Transfer Records; Notice. A pupil transferring into a local system shall request that a copy of the pupil's complete school record from the previous school be forwarded directly to the new school system. All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records

relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

5 New Subparagraph; Extended Term of Imprisonment; Crime Committed in Safe School Zone. Amend RSA 651:6, I(i) to read as follows:

(i) He was an on-duty law enforcement officer at the time that he committed or attempted to commit any of the crimes defined in RSA 631[.]; *or*

(j) He has committed a crime listed in RSA 193-D:1 in a safe school zone under RSA193-D.

6 Effective Date.

I. Sections 1 and RSA 193-D:1 and RSA 193-D:2 as inserted by section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect September 1, 1994.

AMENDED ANALYSIS

This bill inserts a chapter relative to safe school zones which addresses and defines acts of theft, destruction, or violence, including possession of a weapon.

Local school boards may adopt rules regarding safe school zones. In both public and private schools, notice regarding transferring pupils found in violation of this chapter is required.

A penalty provision provides for enhanced penalties under the laws of this state.

Public and private school personnel are required to report any incident involving acts of theft, destruction, or violence.

Question is on the majority amendment.

Division vote requested.

Yeas: 6 - Nays: 15

Majority amendment fails.

Senator Disnard offered a floor amendment.

6487B

Floor Amendment to HB 1528-FN-LOCAL

Amend RSA 193-D:6 as inserted by section 3 of the bill by replacing it with the following:

193-D:6 Penalties for Failure to Report. Any person who knowingly fails to comply with the reporting requirements under RSA 193-D:4 for acts of theft, destruction, or violence, unless such report is waived under RSA193-D:5, shall be guilty of a violation.

SENATOR DISNARD: Mr. President, I refer to RSA 193-D:6, penalties for failure to report. Under the so called Colantuono amendment, and under the so-called Baldizar amendment, excuse me, the minority and majority amendment, there is a concern that someone not reporting would be convicted of a criminal act. What this amendment indicates is, any person who knowingly fails to comply with the reporting requirements, under RSA 193-d:4 for acts of theft, destruction or violence, unless such report is waived under RSA 193-d:5, shall be guilty of a violation. It is a violation versus a criminal act. The Department of Education is interested in this.

SENATOR COLANTUONO: Yes, I rise to tell you that I am in full support of Senator Disnard's floor amendment and so are the other interest groups that are involved in the legislation that I have spoken to.

Floor amendment adopted.

Question is on ordering to third reading.

SENATOR W. KING: I figured that since I voted against both amendments that I probably should stand up and explain why I did that. I know how hard that Senator Colantuono and Senator Baldizar worked on this, but I have to say that I am disappointed that we could not have come to some agreement that everybody could have lived with. I think that it is unacceptable for people to be able to, for an adult to be able to, walk into a school with a shotgun or a semi automatic rifle or whatever it is, it is unacceptable to do that; however it is also unacceptable to penalize people for having a 2-1/2 inch swiss army knife in their pocket. There is really no excuse that we couldn't have come up with this. I am going to vote no on the final passage.

SENATOR HOLLINGWORTH: I want to briefly speak to that. I think that is very courageous of you, Wayne, and I think that a lot of us have real misgivings about this not being worked out. In fact, when the majority was trying to work, we had hoped that Senator Colantuono would have joined us, unfortunately, he chose not to, and he went off and did his own amendment. We did go to the governor, as I told you before. To me, I think that I am really disappointed that in an issue such as this that we couldn't get together, and I think that that is perhaps something that we forgot about when we went down to UNH when they said that there were some issues that go beyond politics, and some issues that you really have to try and find another solution, another way to go around it. I guess that I would like to say that I was going to vote for this because I think that it is better than nothing; on the other hand, I do want everybody to clearly know, that this can be done right now. Everything that Senator Colantuono has in this bill, can be done now by the schools without Senator Baldizar's amendment in her bill. You cannot prohibit people, adults, and other people to go on school grounds. So you have to know that every single thing that is in this bill that you are voting for now, can be enacted . . . Yes, it is true, Debbie, I can see you looking at Tom for the answer, but I am telling you, because I talked to one of the people who are legal advisors in this state for us and they said . . . that currently the Bar Association did not get involved in this, but I asked some lawyers, and they said, "that any school now, can enact laws that prohibits students from carrying guns on school grounds." The only people that we could have affected with this legislation is the adults. So there is a considerable difference, and I don't want anybody to be fooled that you are going to have safe schools by passing this, because you are not.

SENATOR MCLANE: I feel very deeply on the issue of guns, and I will be happy to join with Senator King in voting against this bill, because I don't think that it has done the job. I am not going to support Senator King for governor, because he won't come out for a broadbase tax, but I will stick with him on this.

SENATOR J. KING: I think when considering what to do about school zones and safety zones, that as adults, whether we carry guns or whether we don't carry guns, we should set the example. Here we are trying to punish children for bringing guns to school when the example is set by either parents or their elders. I think that it is a small thing to offer up, for safe schools, to work together to cooperate. And the children and the adults, as much as possible, and I am not talking about the one that has the gun in the truck and is going to drop the kid off and keep on going, but to walk into the school with a gun, and I have taught school for 14 years or more, I would do something if I saw someone doing that. I will vote for the motion coming up. I did vote because I do think that as adults, we have to set the example by doing it ourselves. If we don't do it then we are never going to get anything done on this, never. We have to show that it is that important. I will support the other one. And I would recommend and suggest that both Senator W. King and Senator McLane join us.

A roll call was requested by Senator Wheeler.

Seconded by Senator Baldizar.

The following Senators voted Yes: Lamirande, W. King, MacDonald, Fraser, Lovejoy, Currier, Disnard, Roberge, Blaisdell, Wheeler, Baldizar, Pignatelli, Colantuono, McLane, Podles, Barnes, J. King, Russman, Bourque, Shaheen, Delahunty, Hollingworth, Cohen.

The following Senators voted No:.

Yeas: 23 - Nays: 0

Ordered to third reading.

SUSPENSION OF THE RULES

Senator Disnard moved that the rules of the Senate be so far suspended as to allow Senate Committee Reports not previously advertised in the calendar.

Adopted by the necessary 2/3 vote.

HB 257-FN, an act establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys. Capital Budget Committee. Inexpedient to legislate. Senator MacDonald for the committee.

SENATOR MACDONALD: I move the adoption of the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1260-FN-LOCAL, an act establishing a task force to study public education funding issues. Finance Division Committee. Ought to pass with amendment. Senator Shaheen for the committee.

6480B

Amendment to HB 1260-FN-LOCAL

Amend paragraphs II-IX of section 3 of the bill by replacing them with the following:

II. The speaker of the house of representatives.

III. The president of the senate.

IV. The majority leader of the house.

V. The minority leader of the house.

VI. The Republican leader of the senate.

VII. The Democratic leader of the senate.

VIII. Three senators, appointed by the senate president.

IX. Three house members, appointed by the speaker of the house.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 190-FN, relative to the authority of the Dept. of Transportation over certain abandoned rail lines and splitting the lease revenues for certain rail properties and establishing a committee to review and make recommendations relative to advertising devices. Finance Executive Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6476B

Amendment to HB 190-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the lease revenues for certain rail properties and establishing
a committee to review and make recommendations
relative to advertising devices.

Amend the bill by replacing all after the enacting clause with the following:

1 Distribution of Funds in Escrow. Any funds from the lease of state-owned rail properties or fiber optics in escrow on the effective date of this act because of a dispute in which the state is a party shall be deposited as unrestricted general fund revenue, if the state shall prevail in the underlying dispute.

2 Committee Established. A committee is established to review and make recommendations relative to advertising devices in New Hampshire.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house.

(c) The commissioner of the department of transportation, or designee.

(d) A member of the New Hampshire Lodging and Restaurant Association, appointed by the association.

(e) A member of the New Hampshire Sign Association, appointed by the association.

(f) A member of the Society of the Protection of New Hampshire Forests, appointed by the society.

II. Members of the committee shall not be compensated. However, legislative members shall receive mileage at the legislative rate.

III. The committee shall have the authority to study all aspects of advertising devices in New Hampshire, including reviewing and making recommendations relative to:

(a) Conflicts associated with overlapping jurisdiction governing advertising devices.

(b) A moratorium or future limitation of advertising devices.

(c) Height limitations on the placement of advertising devices.

(d) A vegetation maintenance program.

(e) Other issues which may come to the attention of the committee.

IV. The committee shall have full power and authority to require from the several state departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it may deem necessary.

V. The members of the study committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this act. A majority of the committee shall constitute a quorum.

VI. The committee shall report the results of its study, including its findings and recommendations and any proposed legislation for submission in the 1995 legislative session, to the governor, the senate president, and the speaker of the house of representatives no later than November 1, 1994.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill provides that the lease revenues of certain rail lines and fiber optics lines be deposited as unrestricted general fund revenue.

The bill also establishes a committee to review and make recommendations relative to advertizing devices.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 317, an act establishing a grant program for closure of unlined solid waste landfills. Finance Executive Committee. Ought to pass with amendment. Senator Shaheen for the committee.

6477B

Amendment to HB 317

Amend RSA 149-M:33 as inserted by section 1 of the bill by replacing it with the following:

149-M:33 Declaration of Policy. In recognition of the potential for harm to both public health and the environment which can result from an unlined solid waste landfill that has not been properly closed, it is hereby declared to be the policy of this state to encourage municipalities to close all unlined solid waste landfills in accordance with 42 U.S.C. Section 9601 et. seq. and RSA 147-B, 149-M:3 and 149-M:8.

Amend RSA 149-M:35 as inserted by section 1 of the bill by replacing it with the following:

149-M:35 State Contributions. The state shall pay annually 20 percent of the annual amortization charges, meaning the principal and interest, on the eligible costs resulting from the closure of unlined solid waste landfills by municipalities in accordance with 42 U.S.C. Section 9601 et. seq. and RSA 147-B, 149-M:3 and 149-M:8.

Amend RSA 149-M:40, II as inserted by section 1 of the bill by replacing it with the following:

II. Review and approve preliminary and final closure plans for the proposed project, in accordance with 42 U.S.C. Section 9601, et. seq., RSA147-B, 149-M:3 and 149-M:8.

SENATOR SHAHEEN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 438-FN, an act requiring criminal history and temporary restraining order checks for sales of handguns by dealers using a toll-free number. Finance Executive Committee. Ought to pass with amendment. Senator Hollingworth for the committee.

6494B

Floor Amendment to HB 438-FN

Amend the title of the bill by replacing it with the following:

AN ACT

requiring criminal history record and protective order
checks for sales of handguns by dealers using
a premium telephone service.

Amend the bill by replacing all after the enacting clause with the following:
1 New Chapter; Criminal History Record and Protective Order Checks;
Handguns. Amend RSA by inserting after chapter 159-B the following new chapter:

CHAPTER 159-C

SALE OF HANDGUNS; CRIMINAL RECORD CHECK

159-C:1 Sale of Handguns; Criminal History Record and Protective Order Check.

I. No importer, manufacturer, or dealer licensed pursuant to 18 U.S.C. 923 shall sell, transfer or deliver from his business inventory at his licensed premises any handgun to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until he has:

(a) Obtained a completed consent form from the potential buyer or transferee, which form shall have been adopted by the department of safety and provided by the licensed importer, manufacturer, or dealer, which shall include only the name, birth date, gender, race, and social security number or other identification number of such potential buyer or transferee;

(b) Inspected identification containing a photograph of the potential buyer or transferee;

(c) Requested, by means of a single premium telephone call-in service for each potential buyer or transferee, that the department conduct a criminal history record check and protective order check; and

(d) Received a unique approval number for that inquiry from the department, and recorded the date and such number on the consent form.

II. For the purposes of this chapter "handgun" means:

(a) A firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(b) Any combination of parts from which a firearm described in subparagraph (a) can be assembled.

159-C:2 Department of Safety Investigation.

I. Upon receipt of a request for a criminal history record check or protective order check, the department of safety, during the licensee's call or by return call shall:

(a) Review its criminal history records and any protective order records in its possession, if any, to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or protective order under RSA 173-B:6;

(b) Inform the licensee making the inquiry either that its records demonstrate that the potential buyer or transferee is so prohibited, or provide the licensee with a unique approval number.

II. In the event of electronic failure or similar emergency beyond the control of the department, the department shall immediately notify the requesting licensee of the reason for, and estimated length of, such delay. After such notification, the department shall, and in no event later than the end of the next business day of the licensee, either inform the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the potential buyer or transferee is so prohibited, and without regard to whether he has received a unique approval number, the licensee may complete the sale or delivery and shall not be deemed in violation of this section with respect to such sale or delivery.

159-C:3 Confidentiality.

I. Any records containing any of the information set forth in RSA159-C:1, I pertaining to a potential buyer or transferee who is not found to be prohibited from receipt or transfer of a handgun by reason of state or federal

law which are created by the department of safety to conduct the criminal history record check or protective order check shall be confidential and may not be disclosed by the department or any officers or employees to any person or to another agency. The department shall destroy any such records after it communicates the corresponding approval number to the licensee and, in any event, such records shall be destroyed within 20 days after the day of the receipt of the licensee's request.

II. The department shall retain records containing any information set forth in RSA 159-C:1, I pertaining to a potential buyer or transferee who is prohibited from receipt or transfer of a handgun for 3 years.

III. Notwithstanding the provisions of this section the department may maintain only a log of dates of requests for criminal history records checks and protective order checks and unique approval numbers corresponding to such dates for an indefinite period.

IV. Nothing in this section shall be construed to allow the department to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of handgun transactions, including the names or other identification of licensees and potential buyers or transferees, including persons not otherwise prohibited by law from the receipt or possession of handguns.

159-C:4 Premium Telephone Call-In Service. The department of safety shall establish a premium telephone call-in service which shall be operational 7 days a week between the hours of 8:00 a.m. and 10:00 p.m. for purposes of responding to inquiries as described in this section from licensed importers, manufactures, and dealers. The department shall establish a minimum charge for the purpose of crediting the general fund \$5 for each telephone call and the department shall employ and train such personnel as are necessary to administer expeditiously the provisions of this section.

159-C:5 Appeal. Any person who is denied the right to receive or purchase a handgun as a result of the procedures established by this chapter may request amendment of the record pertaining to him by petitioning the department of safety. If the department fails to amend the record within 7 days, the person requesting the amendment may petition the superior court of the county of residence for an order directing the department to amend the record. The court shall award the petitioner an attorney's fee if it determines that the record should have been amended by the department. If the record as corrected demonstrates that such person is not prohibited from receipt or possession of a handgun by state or federal law, the department shall destroy any records it maintains which contain any information derived from the criminal history records and protective order check set forth in RSA 159-C:1, I.

159-C:6 Rules. The department of safety shall adopt rules, pursuant to RSA 541-A, to ensure the identity, confidentiality, and security of all records and data provided pursuant to this chapter.

159-C:7 Exceptions to Reporting. A licensed importer, manufacturer, or dealer is not required to comply with the provisions of this chapter in the event of:

I. Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises, or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, or war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

II. Failure of the department of safety to comply reasonably with the requirements of RSA 159-C:2.

159-C:8 Defenses. Compliance with the provisions of this chapter shall be a complete defense to any claim or cause of action under the laws of this state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer of any handgun which has been shipped or transported in interstate or foreign commerce to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

159-C:9 Handgun Exceptions. The provisions of this chapter shall not apply to:

I. Any handgun, including any handgun with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898.

II. Any replica of any handgun described in paragraph I if such replica is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

III. Any handgun which is a curio or relic as defined by 27 C.F.R. 178.11.

IV. Potential buyers or transferees who hold a valid permit to carry a concealed weapon pursuant to RSA 159:6 who exhibit such permit to a licensed importer, manufacturer, or dealer.

159-C:10 Penalties; Immunity.

I. Any licensed importer, manufacturer, or dealer who willfully and intentionally requests a criminal history record and protective order check from the department of safety for any purpose other than compliance with RSA 159-C:1, or willfully and intentionally disseminates any criminal history record or protective order information to any person other than the subject of such information shall be guilty of a misdemeanor.

II. Any person who, in connection with the purchase, transfer, or attempted purchase or transfer of a handgun pursuant to RSA 159-C:1, willfully and intentionally makes any materially false oral or written statement or willfully and intentionally furnishes or exhibits any false identification intended or likely to deceive the licensee shall be guilty of a misdemeanor.

III. Any licensed importer, licensed manufacturer, or licensed dealer who willfully and intentionally sells, transfers or delivers a handgun in violation of this chapter shall be guilty of a misdemeanor.

IV. Any potential buyer or transferee who purchases a handgun for the purpose of transferring it to a person who is prohibited from possession of a handgun by state or federal law shall be guilty of a class B felony.

V. Any licensed importer, manufacturer, or dealer who in good faith relies upon a criminal history record and protective order check from the department pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

159-C:11 Annual Report. The department of safety shall provide the wildlife and recreation committee of the senate and the public protection and veteran affairs committee of the house of representatives an annual report including the number of inquiries made pursuant to this chapter for the prior calendar year. Such report shall include, but not be limited to, the number of inquiries received from licensees, the number of inquiries resulting in a determination that the potential buyer or transferee was prohibited from receipt or possession of a handgun pursuant to state or federal law, the estimated costs of administering this chapter, the number of instances in which a person requests amendment of the record pertaining to

such person pursuant to RSA 159-C:5, and the number of instances in which the superior court issued an order directing the department to amend a record pursuant to RSA 159-C:5.

2 Contingent Prospective Repeal. Sections 1, 3 and 4 of this act are repealed on the date that any federal law is effective that requires federally licensed firearms dealers to contact a federal or state government agency or official to determine whether receipt of a firearm by a prospective purchaser would violate federal or state law. If such federal law becomes effective, the commissioner of safety shall certify to the secretary of state the date that such federal law took effect.

3 Contingent Application. The check of protective order records as provided by this act shall not take effect until and unless SB 673-FN, of the 1994 legislative session, an act generally amending certain provisions relating to domestic violence, becomes law.

4 Appropriation. The sum of \$41,934 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of safety for the purpose of implementing this act. This appropriation is in addition to any other funds appropriated to the department of safety. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect January 1, 1995.

AMENDED ANALYSIS

This bill requires the department of safety to conduct a criminal history record and protective order check for sale of handguns by dealers. Licensed dealers shall be required to use a premium telephone call-in service to request that the department conduct such check.

The protective order check is not required until SB 673-FN becomes law.

SENATOR HOLLINGWORTH: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1390, an act establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D. Finance Executive Committee. Ought to pass with amendment. Senator McLane for the committee.

6479B

Amendment to HB 1390

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. Two members of the house, who shall be representatives from the member municipalities of Acworth, Center Harbor, Claremont, Cornish, Croydon, Goshen, Grantham, Langdon, Lempster, Meredith, New London, Newport, Plainfield, Springfield or Sunapee, appointed by the speaker of the house.

Amend paragraph III of section 2 of the bill by replacing it with the following:

III. Four members of the senate, appointed by the senate president.

SENATOR MCLANE: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1572-FN, an act relative to indexing public employee labor relations board decisions and filing fees and making an appropriation therefor. Finance Executive Committee. Ought to pass with amendment. Senator Colantuono for the committee.

6467B

Amendment to HB 1572-FN

Amend RSA 273-A:6, II as inserted by section 4 of the bill by replacing it with the following:

II. Complaints shall be filed by affidavit *and shall be accompanied by a \$60 filing fee*. A copy of the complaint shall be given to the party complained against at the time the complaint is filed. The board or its designee shall hold a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the representative of any party against whom a complaint has been filed. *Fees collected under this paragraph shall be deposited in a separate account to be known as the public employee labor relations board indexing account and shall be used to pay indexing of all board decisions. Such fees shall be continually appropriated to the board.*

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-10 to read as 8-11, respectively:

7 New Subparagraph; Application of Receipts Exemption. Amend RSA6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) Moneys received under RSA 273-A:6, II which shall be credited to the public employee labor relations board indexing account.

Amend section 9 of the bill by replacing it with the following:

9 Appropriation. The sum of \$6,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the public employee labor relations board for the purposes of this act. This appropriation shall be reduced by the amount of fees, not to exceed \$6,000, received by the board for the fiscal year ending June 30, 1995. This appropriation is in addition to any other funds appropriated to the board. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill:

(a) Modifies the public employee labor relations board's appointment procedures and payment for services.

(b) Requires complainants to submit a filing fee which shall be deposited in a separate account and shall be used by the board to index its decisions.

(c) Requires that orders issued by the board contain findings of fact and rulings of law.

(d) Requires the board to index its decisions and permits the board to contract for services relative to indexing.

(e) Makes an appropriation to the board for the purposes of the bill.

SENATOR COLANTUONO: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Lamirande moved to have **HB 1469-LOCAL**, an act relative to the definition of "impact fee" for the purpose of innovative land use controls, taken off the table.

Adopted.

HB 1469-LOCAL, an act relative to the definition of "impact fee" for the purpose of innovative land use controls.

Question is on ordering to third reading.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Pignatelli moved to take **HB 634**, an act establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists, off the table.

Adopted.

HB 634, an act establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists.

Question is on the committee report of ought to pass.

Adopted.

Senator Pignatelli offered a floor amendment.

6438B

Floor Amendment to HB 634

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists, and relative to absentee voter registration.

Amend the bill by replacing all after section 3 with the following:

4 Report. The committee shall submit a report of its findings and proposed legislation to the governor, the speaker of the house of representatives, and the president of the senate no later than November 1, 1994, for submission in the 1995 legislative session.

5 Absentee Voter Registration. Amend RSA 654:16 to read as follows:

654:16 Applicability. Any person who has [his] *a* domicile in any town or city in this state and is qualified to vote therein at the next subsequent election to be held in said town or city except for the fact that [his] *the person's* name does not appear on the checklist to be used at the election, and who is temporarily absent therefrom [or], who by reason of physical disability is unable to attend a meeting of the supervisors of the checklist, *or who wishes to exercise the option of registering to vote by mail*, may cause [his] *the person's* name to be added to such checklist by applying to the city or town clerk or the secretary of state for a voter registration form provided for in RSA 654:7 and an appropriate absentee registration affidavit provided for in RSA 654:17.

6 Absentee Registration Affidavit. Amend RSA 654:17, I to read as follows:

I. The absentee registration affidavit shall be prepared by the secretary of state and shall be in substantially the following form:

(a) Affidavit (Absence from town).

I, _____, do hereby depose as follows:

1) That my legal domicile is in the town of _____ New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on _____, 19____, except for the fact that my name does not appear on the checklist to be used in said town at such election;

- 2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;
- 3) That I am temporarily residing in _____ (city and state or city, province and country); and
- 4) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

(b) Affidavit (Physical Disability).

- I, _____, do hereby depose as follows:
- 1) That my legal domicile is in the town of _____, NewHampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on _____, 19__, except for the fact that my name does not appear on the checklist to be used in said town at such election;
 - 2) That I am unable by reason of physical disability personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;
 - 3) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

(c) Affidavit (Voter Registration by Mail).

- I, _____, do hereby depose as follows:
- 1) *That my legal domicile is in the town of _____, NewHampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on _____, 19__, except for the fact that my name does not appear on the checklist to be used in said town at such election;*
 - 2) *That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;*
 - 3) *That I hereby make application for the addition of my name to the checklist of said town to be used at said election.*

Signature of Applicant

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to investigate the feasibility and to inquire into the cost of a data processing center to produce up-to-date checklists to be used in state and local elections.

The committee must complete its report and proposed legislation by November 1, 1994, for submission in the 1995 session of the general court.

This bill also gives persons the option of registering to vote by mail by means of absentee voter registration for reasons other than temporary absence or physical disability.

SENATOR PIGNATELLI: About a month and a half ago, we had a discussion about being allowed to register to vote by mail and at that time, I asked

for two bills to be tabled. You might remember the motor voter bill and HB 634. It became clear that they were not there to pass a registration by mail vote on the motor voter bill and so we took that off of the table and let it proceed through. Now I offer the registration by mail amendment on Caroline Gross's HB 634 and I ask for your support.

Recess.

Out of recess.

SENATOR PIGNATELLI: Maybe you have had a chance to glance over it and maybe I can explain it and answer some of your questions if you have any. Right now in New Hampshire, we are allowed to register to vote if we are disabled or if we are living temporarily outside of the state. For instance, if you're living at a college in another state and you want to register to vote in New Hampshire, you can register to vote or if you have a disability and you can't get down to the place where you register to vote in your community, this amendment would allow you to register to vote in addition to those two times when you can register to vote by mail.

SENATOR COLANTUONO: In just reading this quickly, I am not sure if I understand the intent, but does this allow a person to register to vote by mail if he or she intends to vote absentee only, or does it allow any voter to register to vote by mail? The reason that I ask that is because paragraph V, says, "absentee voter registration."

SENATOR PIGNATELLI: Right. Absentee voter registration means that you're absent from going down to where you normally might register to vote. It would allow anyone to register absentee.

SENATOR BALDIZAR: Senator Pignatelli, I went to the hearing on this and the original bill established a study committee to do precisely what your amendment does. Is that study committee still contained in the bill?

SENATOR BALDIZAR: The study committee to study the whole issue of registration by mail is on a different bill, it is on a motor voter bill that has already gone through. This would allow people to register absentee by mail.

SENATOR BALDIZAR: Do you think that this amendment is going to have an impact on that other bill and perhaps jeopardize that other bill?

SENATOR PIGNATELLI: No, but I think that if that study committee does its work, they might want to, at some point, look at this possibly to expand it, possibly to have people be able to register absentee in a different manner, have groups perhaps be able to register people outside of the town clerk's office. This is very narrow, it allows the person who wants to register by mail, only that person, to register.

SENATOR BALDIZAR: Doesn't the bill that passed previously that establishes a study committee, do all of that because it is within their purview to study all of the issues that relate to absentee ballot registration, absentee voter registration?

SENATOR PIGNATELLI: They could study absentee ballot registration by mail and make whatever decisions that they would like to make. They may want to expand this, they may want to do something else with it. I wanted to see if we could pass a registration by mail this year, so that people who wanted to register by mail for November's election would be able to have that option.

SENATOR WHEELER: Senator Pignatelli, it is my understanding that when the supervisors of the checklist are registering people to vote that most of them require some form of identification, some form of proof of residency, whether it be at a college or a medical bill or something like that. Also, I don't see any of that in here, and also, I don't see in here any re-

quirement to prove that you're a citizen of the United States before you can register to vote or to prove it. Is that correct, that your proposal . . . that the people don't have to submit anything to prove who they are, they just submit this form?

SENATOR PIGNATELLI: They sign this form. This is an affidavit saying that this is what is true and it is correct, but they don't have to send in a driver's license at the same time or to send a copy of a birth certificate.

SENATOR WHEELER: So if I want to go downtown and register with the supervisors of the checklist, I am going to be required to bring in some form of identification. In most towns a driver's license or some sort of proof of citizenship of the United States is required before I can vote, and if I am going to register by mail, I don't need to do that under your proposal, is that correct?

SENATOR PIGNATELLI: Well you don't have to do that if you register by mail for the other two instances in this bill as well. If you have a disability or if you're temporarily out of state but want to vote in that state.

SENATOR PIGNATELLI: You know, it has been so long since I have registered in this state, I don't remember what I had to take downtown when I went to the Clerk's office.

SENATOR WHEELER: Would you believe, Senator, that I think for purposes of fraud, I think that it is very important that a person have to prove who he is before his name is allowed to be put on the checklist and that this probably needs further study?

SENATOR PIGNATELLI: I believe that you believe that.

SENATOR WHEELER: Thank you, Senator.

SENATOR LOVEJOY: Senator, my question follows along pretty closely the lines of Senator Wheeler, because if we pass that, this amendment of yours, are we adopting the form that you have here. Am I correct in understanding that?

SENATOR PIGNATELLI: That is correct.

SENATOR LOVEJOY: Is there a reason why there is not even a place for a witness to attest that that person is signing is who they really are?

SENATOR PIGNATELLI: My understanding is that a notary has to sign when

SENATOR LOVEJOY: Would you believe, Senator, and that was my next question, that generally, on any document, a notary has to attest that this is the signature and I wonder if there is some reason why there isn't a witness portion of this form that you want us to adopt?

SENATOR PIGNATELLI: No, there is no reason except that I didn't notice it, but I do believe that if you register absentee, if you have a disability or if you're away from your domicile, you do have to have a notary. I have no objection to having a notary on this one as well.

SENATOR LOVEJOY: Would you believe, Senator, I certainly understand our desire to have voter registration by mail, but would you believe that I think that we should follow our original route and that is to give this some study before we get involved in adopting something that there are more questions for than there are answers?

SENATOR SHAHEEN: Senator Pignatelli, isn't it true that in those states that have adopted registration by mail, that there has been very little voter fraud?

SENATOR PIGNATELLI: That is correct, Senator Shaheen.

SENATOR SHAHEEN: And further, that if our goal, here, is to allow as many people possible to participate in the political process, that we need to figure out a better way to make sure that those people have access to the ability to register to vote and that this would encourage them to register so that they could participate on election day?

SENATOR PIGNATELLI: That is true and some of the testimony that we heard in our committee was that in a city like Nashua or perhaps like Manchester, it's easy to go down to your town clerk, they're open regular hours, and register to vote. In smaller communities, it isn't so easy. Sometimes you have to catch up with the person who registers people to vote and it gets back to the issue of whether the government wants to be passive, to encourage people to vote passively, and not to go out and to help people to register to vote or whether they want to be an active participant in helping people to register and exercise their right to vote.

SENATOR SHAHEEN: Thank you.

SENATOR PODLES: Senator Pignatelli, isn't it true that what this bill does is it gives you an option to register to vote for reasons other than temporary absence or physical disability? Is that true?

SENATOR PIGNATELLI: That is what this amendment does.

SENATOR PODLES: In the past, when I was going to be out of town, what I had to do is fill out an application to vote. When I filled out the application, I either walked to the city hall or I mailed it. They checked it out and then sent me the ballot by mail. No one can touch the ballot. No one can deliver the ballot. The ballot is sent to my home. Has that process been changed?

SENATOR PIGNATELLI: No. You're talking about voting absentee. I am talking about registering to vote absentee.

SENATOR PODLES: Oh, that is the difference? Okay, you're right. So you don't have to show any proof of identification when you register? That bothers me.

SENATOR PIGNATELLI: May I yield to Senator Lamirande to speak to Senator Podles question?

SENATOR ROBERGE: This seems rather easy for someone to do something that probably wasn't quite right, I am wondering what the penalty would be if someone registers more than once or puts down their former address or something that was incorrect, do you know the answer to that?

SENATOR PIGNATELLI: Whenever you sign a document and you lie on it, you're subject to the penalty of perjury. This would be perjury. In the interest of time, I am not going to take any further questions.

SENATOR CURRIER: I just want to point out a couple of things. I support this bill 100 percent and I have worked with Senator Pignatelli in addressing some of the questions and some of the concerns that the secretary of state's office had. The secretary of state's office approves this. All that we are doing . . . this is existing law right this minute for three categories of people. All that we are doing is taking it and extending it to you, the common ordinary citizen, who hasn't made an effort to get down to the town hall to register. In terms of the questions about the affidavit, if you look at the statute, we are not changing any part of the other existing statute. It has to be signed and sworn to like any other document. So it is in the statute now. All that we are doing is making it easier for our constituents to

actually get out and register and vote. I mean register so that they can vote. It is existing law and I think that we ought to all support Senator Pignatelli's amendment which is 6438B.

SENATOR LAMIRANDE: This is just a short comment. It was going to be in the form of a would you believe, because of Senator Podle's question. What happens now when you go down to register. A lot of my students that I taught were not registered to vote, so I advised them to go down to register. All that they do is that they go down to the city clerk and the city clerk gives them this little card. They fill out their name and address and all that they have to do is to prove that they reside at the address for six months, period. That is it. Well I don't know if it is six months, a year or whatever, but that is all that they had to do was to prove that they resided there. They don't have to show that they are a citizen of the United States, they don't have to show a driver's license or anything. That is all that they had to do was to show that they did reside at the address. They had to prove that they resided at that address, that is all that they had to do. However, maybe a driver's license, but if they didn't have a driver's license, maybe pieces of mail would do it, but the city clerk, that is all that she wanted to know is that they resided at that address.

Question is on the floor amendment.

A roll call was requested by Senator Wheeler.

Seconded by Senator Colantuono.

The following Senators voted Yes: Lamirande, W. King, Fraser, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 14 - Nays: 9

Floor amendment adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 650-FN-A, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 650-FN-A, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund.

Senator J. King moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: J. King, Shaheen, Lovejoy.

TAKEN OFF THE TABLE

Senator Lamirande moved to take **HB 1569-FN**, an act relative to administrative review of suspended or revoked motor vehicle licenses, off the table.

Adopted.

HB 1569-FN, an act relative to administrative review of suspended or revoked motor vehicle licenses,

Question is on the committee amendment.

Amendment adopted.

Senator MacDonald moved that we have **HB 1569-FN**, an act relative to administrative review of suspended or revoked motor vehicle licenses, sent to interim study.

Adopted.

HB 1569 is sent to interim study.

6369B

Enrolled Bill Amendment to SB 503-FN

Amend RSA 314:2, VII as inserted by section 2 of the bill by replacing it with the following:

VII. Assessing administrative fines, in accordance with RSA 314:13.

Amend RSA 314:3, III(d) as inserted by section 2 of the bill by replacing line 2 with the following:

passing a competency examination, pursuant to rules adopted under RSA 314:8, III.

Amend RSA 314:3, V as inserted by section 2 of the bill by replacing line 3 with the following:

a fee in accordance with RSA 314:10, I.

Amend RSA 314:5 as inserted by section 2 of the bill by replacing line 3 with the following:

accordance with rules adopted by the director under RSA 314:8, IV, and

Amend RSA 314:6, IV as inserted by section 2 of the bill by replacing line 3 with the following:

according to rules adopted under RSA 314:8, VIII.

Amend RSA 314:6, V as inserted by section 2 of the bill by replacing line 2 with the following:

of electrology, as provided for in rules adopted under RSA 314:8, VII.

Amend RSA 314:9, I as inserted by section 2 of the bill by replacing lines 3-5 with the following:

rules adopted under RSA 314:8, VIII, of each office identified by a licensee at least once during each licensee period. Inspections shall be conducted in accordance with rules adopted under RSA 314:8, IX.

Amend RSA 314:13, I as inserted by section 2 of the bill by replacing line 2 with the following:

rules adopted under RSA 314:8, X, may impose an administrative fine not to

Amend RSA 314:13, III as inserted by section 2 of the bill by replacing line 2 with the following:

X, relative to administrative fines which shall be scaled to reflect the

SENATOR CURRIER: This enrolled bill amendment corrects certain RSA cross-references. This bill repeals and reenacts an RSA chapter. The enrolled bill amendment corrects references within this reenacted chapter.

Senator Currier moved adoption.

Adopted.

6371B

Enrolled Bill Amendment to SB 536

Amend section 1 of the bill by replacing lines 14-15 with the following: and council. \$1,500,000 of the *total* amount appropriated herein is hereby released for the purpose of [completion of] final design[,] and bid documents [and

Amend section 2 of the bill by replacing lines 1-2 with the following:

2 1991 Bonds Increased. Amend 1991, 351:10 as amended by 1992, 107:3 and 1993, 305:2 to read as follows:

Amend section 4 of the bill by replacing line 6 with the following: purpose may issue bonds and notes in the name and on behalf of the state of New

SENATOR CURRIER: This enrolled bill amendment makes technical corrections to the bill, including corrections to the amending language and conforming amending style format. This enrolled bill amendment makes 3 corrections. The first clarifies legislative intent and history by clearly indicating that this bill is adding one word to the law (in line 14) and deleting 2 words from the law (in line 15). These changes are not currently indicated in the bill. The second change clarifies references to 2 session laws that are being amended by adding the specific section number of each chapter that is being amended. The third change corrects a reference to the "State of NewHampshire" in a provision authorizing the issuance of bonds.

Senator Currier moved adoption.

Adopted.

6362B

Enrolled Bill Amendment to SB 664

Amend section 1 of the bill by replacing lines 1-2 with the following:

1 New Subdivision; Benefits for Laid Off State Employees. Amend RSA99 by inserting after section 25 the following new subdivision:
Laid Off State Employee

SENATOR CURRIER: This enrolled bill amendment makes a technical correction by inserting a new subdivision heading. This new subdivision heading will make it clear that this section is not part of another subdivision which was repealed in 1985.

Senator Currier moved adoption.

Adopted.

6365B

Enrolled Bill Amendment to SB 726-FN

Amend section 2 of the bill by replacing line 14 with the following: 170-B:23; 170-C:2, VII; 170-C:9, I; 170-C:11, II, VI;

SENATOR CURRIER: This enrolled bill amendment deletes two references which are technically incorrect. The two sections being removed do not contain references to DCYS and so do not need to be changed to DCYF.

Senator Currier moved adoption.

Adopted.

6388B

Enrolled Bill Amendment to SB 743-FN

Amend RSA 161-H:1, I as inserted by section 1 of the bill by replacing lines 1-3 with the following:

I. "Dependent child" means any natural or adoptive child or stepchild who has not terminated high school education or reached the age of 18 years, whichever is later, or becomes married or otherwise emancipated, or becomes a

SENATOR CURRIER: This enrolled bill amendment corrects the grammar in a definition section of the bill in order to make it read more clearly.

Senator Currier moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 671-FN-A, negating the repeal of tax credits against the business profits tax and the investment tax credit.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 671-FN-A, negating the repeal of tax credits against the business profits tax and the investment tax credit.

Senator McLane moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: McLane, Blaisdell, Hough.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 794-A, making a capital appropriation for highway transportation infrastructure.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 794-A, making a capital appropriation for highway transportation infrastructure.

Senator MacDonald moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Hough, Shaheen, MacDonald

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 761-A, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 761-A, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor.

Senator MacDonald moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: MacDonald, Shaheen, Lamirande

MOTION OF RECONSIDERATION

Senator Currier having voted with the prevailing side moved reconsideration on **HB 161-A**, an act increasing the membership of the adult parole board, floor amendment, whereby we ordered it to third reading.

Adopted.

HB 161-FN-A, an act increasing the membership of the adult parole board.

Senator Currier offered a floor amendment.

6489B

Floor Amendment to HB 161-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the membership of the adult parole board and establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

Amend the bill by replacing all after section 2 with the following:

3 Committee Established; Authority. There is established a joint legislative committee to examine and recommend the best way to ensure an efficient system of criminal prosecution at the district and superior court level. The committee may invite participation of county attorneys, the office of the attorney general, and other experts as may be appropriate.

4 Members. The committee shall consist of the members of the house corrections and criminal justice committee and the members of the senate judiciary committee. A chairperson shall be elected at the first meeting.

5 Report. The committee shall submit a report, including recommendations for legislation, to the speaker of the house, senate president and governor no later than November 1, 1994.

6 Effective Date.

I. Sections 3-5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill increases the membership of the adult parole board.

This bill also establishes a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level.

SENATOR CURRIER: Yes, I am offering a floor amendment. This floor amendment you have seen before. It is in your packets, #6489B. It failed on a 12 to 11 vote earlier. If we get to that point and it goes to a roll call

again, I plan to change my vote so that it will go to 12 to 11 the other way in the sense that I erred in my voting pattern. The amendment is the study committee relative to county attorneys and so forth. Having talked to the president of the County Attorneys Association, I find that the County Attorneys Association is, in fact, in favor of this bill.

Question is on the floor amendment.

Division vote requested.

Yeas: 10 - Nays: 12

Floor amendment fails.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Baldizar moved to take **HB 1378**, an act allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards, off the table.

Adopted.

HB 1378, an act allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards.

6276B

Amendment to HB 1378

Amend the title of the bill by replacing it with the following:

AN ACT

allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards, authorizing a New Hampshire Pearl Harbor survivor special number plate, and authorizing hospice staff members to administer medications.

Amend the bill by replacing all after the enacting clause with the following:

1 Placards Available to Individuals and Nonprofit Agencies Serving Walking Disabled. Amend RSA 261:88, V to read as follows:

V. Upon application, the department shall furnish a hanging windshield placard without charge to a person with a walking disability who satisfactorily furnishes proof of such disability to the director. ***Any nonprofit agency serving a person with a walking disability may apply to the department for a hanging windshield placard. An applicant for such placard shall furnish the director with satisfactory proof, as the director may require, that the applicant will use the placard solely for the transportation of a person with a walking disability. The quantity of placards issued under this paragraph shall be at the discretion of the director.*** This placard shall meet the standards set forth in 23 C.F.R. Part 1235, Appendix A. The removable windshield placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rear-view mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. [The] ***A request from any nonprofit agency for a placard shall be approved by the administrator of the nonprofit agency and any other*** application for such a placard shall be accompanied by the certification of a licensed physician that the applicant meets the definition set forth in paragraph I of persons with walking disabilities. The placard shall expire 3 years from the date of issuance, and

the expiration date shall be noted on the placard. The placard shall be renewed, upon application on forms provided by the director, if the director determines that the disability which necessitated the issuance of the placard continues. Upon request of the applicant, the director shall issue one additional placard to the applicant if the applicant does not have special license plates.

2 Section Heading Changed; Pearl Harbor Survivors Added. Amend the section heading of RSA 261:86 to read as follows:

261:86 Special Number Plates for [Motor Vehicles for Amputee, Paraplegic, Totally] Disabled Veterans [and], Purple Heart Recipients *and Pearl Harbor Survivors*.

3 Pearl Harbor Survivors Added. Amend RSA 261:86, II to read as follows:

II. The director shall design and issue, with the approval of the commissioner, number plates to be used on motor vehicles owned by recipients of the Purple Heart medal *or to Pearl Harbor survivors*. The director shall make one set of such plates available to any person who was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances *or to any Pearl Harbor survivor provided that such person has furnished the director with a letter signed by the chairperson of the New Hampshire Pearl Harbor Survivor's Association*. The plates shall be issued upon payment of the regular registration and number plate fees. For the purpose of this paragraph the director may utilize a number plate type issued under the provisions of this title with whatever modifications are necessary. Notwithstanding RSA 265:73 or any other law, any person who is issued a number plate under this paragraph shall not be entitled to free parking privileges provided for disabled veterans.

4 New Paragraph; Administration of Medications by Hospice House Staff Members. Amend RSA 326-B:17 by inserting after paragraph VIII the following new paragraph:

IX.(a) The administration of medications by any person employed or under contract to provide direct care to residents of a hospice house as defined in RSA 151-C:2, XIX-b and licensed under RSA 151 and rules adopted under that chapter as a hospice house under the supported residential care level of care by the New Hampshire department of public health services who:

(1) Is an employee of, or under contract with, a hospice house duly licensed by the division of public health services; and

(2) Has successfully completed a medication administration program approved by the board of nursing and conducted by a registered nurse licensed under this chapter. The board of nursing shall adopt rules, pursuant to RSA 541-A, relative to the criteria for the medication administration program and the process of approval for a registered nurse to conduct the program.

(b) The authorization granted by subparagraph (a) shall be limited to the administration of medications:

(1) When authorized by a registered nurse who has conducted an assessment of the resident and evaluated the medication order and medications prescribed for the resident;

(2) By a route other than injection, except for subcutaneous injections when the person administering the medication and the resident receiving the medication have been authorized by a registered nurse; and

(3) To residents of a hospice house to which the person administering the medication is regularly assigned.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows nonprofit agencies serving disabled persons to apply for walking disability placards to be used when transporting a person with a walking disability.

This bill authorizes the department of safety to issue motor vehicle number plates to veterans who are Pearl Harbor survivors.

This bill also authorizes certain hospice house staff members to administer medications under certain circumstances.

SENATOR J. KING: This was amended by the Public Institutions, Health and Human Services Committee who says that it is allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards, clarifying that they must have the approval of the administrative agency and the individuals must have a specific form from the doctor. The other part of it is that the bill is amended and it allows Pearl Harbor survivors to have special number plates. There are only about 53 left and after they finish their term, they will be out of business at that point. In addition, the amendment authorizes certain hospice house staff members who have appropriate training, to administer medications to hospice patients.

Amendment adopted.

Senator Baldizar offered a floor amendment.

6483B

Floor Amendment to HB 1378

Amend the title of the bill by replacing it with the following:

AN ACT

allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards, authorizing a New Hampshire Pearl Harbor survivor special number plate, authorizing hospice staff members to administer medications, exempting the joint pharmaceutical formulary board from the administrative procedure act and repealing the board's rulemaking authority relative to additions or alterations to the defined pharmaceutical agents.

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Exemption From Administrative Procedure Act for Joint Pharmaceutical Formulary Board. Amend RSA 327:6-b by inserting after paragraph III the following new paragraph:

IV. The joint pharmaceutical formulary board shall be exempt from the provisions of RSA 541-A but may adopt rules to determine its own procedures. The board shall file in the office of legislative services, the board of registration in optometry, and the board of pharmacy a copy of all procedural rules adopted by the board. The joint pharmaceutical formulary board shall file in the office of legislative services, the board of registration in optometry, and the board of pharmacy the names of all pharmaceutical agents approved by the board. Any rule adopted after the effective date of this section or any amendment or repeal of any existing rule shall be filed in the office of legislative services, the board of registration in optometry, and the board of pharmacy within 7 days of such adoption, amendment, or repeal. The names of any additional pharmaceutical agents approved by the joint pharmaceutical formulary board after the effective date of this section shall be filed in the office of legislative services, the board of registration in optometry, and the board of pharmacy within 7 days of such approval.

6 Repeal. RSA 327:31, IX, relative to the joint pharmaceutical formulary board's authority to make additions or alterations to the defined pharmaceutical agents for diagnostic purposes by rulemaking.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Allows nonprofit agencies serving disabled persons to apply for walking disability placards to be used when transporting a person with a walking disability.

(2) Authorizes the department of safety to issue motor vehicle number plates to veterans who are Pearl Harbor survivors.

(3) Authorizes certain hospice house staff members to administer medications under certain circumstances.

(4) Exempts the joint pharmaceutical formulary board from the provisions of RSA 541-A, the administrative procedure act.

(5) Repeals the joint pharmaceutical formulary board's rulemaking authority relative to additions or alterations to the defined pharmaceutical agents for diagnostic purposes.

SENATOR BALDIZAR: This amendment exempts the joint pharmaceutical formulary board from the administrative procedure act and repeals the board's rulemaking authority relative to additions or alterations to define pharmaceutical agent. The floor amendment will clarify issues that have been raised regarding the official record of the newly formed joint pharmaceutical formulary board. There had been some concerns voiced by the pharmacy board pertaining to the official adoption of new medicines by the formulary board. The statute which passed last year, did not grant rulemaking authority to the joint pharmaceutical formulary board. The Formulary board was simply given the responsibility of approving a list of medicines for use by optometrists in the treatment of certain eye diseases. The formulary board has met twice and a list of medicines have been agreed on. The method by which the list of approved medicines is transmitted to the formulary board to the boards of optometry and pharmacy was unclear after the adoption of the list several weeks ago. It was suggested that the joint pharmaceutical formulary board could adopt rules under the administrative procedures act which included the accepted list of medicines; however, the statutes the legislature passed last session did not grant rulemaking authority to the formulary board. The amendment clarifies the legislatures intent that the formulary board does not have the authority to adopt rules under the administrative procedures act. The amendment also clarifies the procedure whereby the official record of the activities of the formulary board are filed and transmitted to the affected boards and the general public. The amendment mandates that the record of the activities of the formulary board and any medicines approved by the formulary board, be filed with the director of Legislative Services, the Board of Pharmacy and the Board of Optometry within seven days of such activity.

Floor amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Russman moved to take **HB 1496-FN-LOCAL**, an act requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities, off the table.

Adopted.

HB 1496-FN-LOCAL, an act requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities.

6318B

Amendment to HB 1496-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

requiring individuals or organizations to notify the state police whenever a hazardous or potentially hazardous spill occurs.

Amend the bill by replacing section 1 with the following:

1 New Section; Notification of Discharge Required. Amend RSA485-A by inserting after section 5-b the following new section:

485-A:5-c Notification for Certain Discharges Required. In the event that there is an unplanned or accidental spill of potentially hazardous or hazardous waste into any stream or river, any individual or organization knowing or having reason to know of such a spill shall notify the New Hampshire state police, who shall in turn notify the appropriate state agency having jurisdiction over the spill and any community potentially affected by such a spill. For the purposes of this section "hazardous waste" shall include but not be limited to, "hazardous waste" as defined in RSA 147-B:2, VII.

AMENDED ANALYSIS

This bill requires any individual or organization to notify the state police whenever a hazardous or potentially hazardous waste spill occurs.

SENATOR RUSSMAN: I move the adoption of the committee report of ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator J. King moved to take **HB 1456**, an act relative to mental health care service providers, off the table.

Adopted.

HB 1456, an act relative to mental health care service providers. Public Institutions, Health and Human Services Committee. Senator J. King for the committee.

Question is on the committee report of ought to pass.

Adopted.

Senator J. King offered a floor amendment.

6498B

Floor Amendment to HB 1456

Amend the bill by replacing section 1 with the following:

1 New Chapters; Freedom in Selection of Mental Health Care Providers; Availability of Transition Benefits for Outpatient Mental Health Care. Amend RSA by inserting after chapter 420-G the following new chapter:

CHAPTER 420-H

FREEDOM IN SELECTION OF MENTAL HEALTH CARE PROVIDERS

420-H:1 Purpose. The purpose of this chapter is to assure that consumers of health care services can exercise freedom of choice in the selection of qualified mental health care providers while maintaining quality of care and encouraging containment of health care costs.

420-H:2 Definitions. In this chapter:

I. "Health care insurer" means an insurance company providing health care coverage, including nonprofit health service corporation as defined in RSA 420-A, medical service corporation as defined in RSA 420, and health maintenance organization as defined in RSA 420-B.

II. "Mental health care provider" means any hospital, psychiatrist licensed under RSA 329 or psychologist or mental health care provider certified under RSA 330-A to provide health care services, including care for mental and nervous conditions.

420-H:3 Willing Provider Participation.

I. Notwithstanding any other provision of law, any mental health care provider licensed or certified to treat any illness, injury, or condition within the scope of such provider's practice, who is willing and able to meet the reasonable terms and conditions established by the health care insurer, shall be able to apply for and receive designation and reimbursement as a participating health care provider.

II. The health care insurer shall provide, upon request of any health care provider, the written criteria for selecting and terminating providers, including the process for appealing any selection or termination decision. The health care provider may appeal an insurer's decision to deny the provider's application for participation in a panel or network.

III. Those health care insurers that contract with selected mental health care providers to furnish care shall utilize selection criteria based primarily on professional competence and quality of care. Any economic or geographic criteria used in selective contracting shall have a demonstrated relationship to the quality and appropriateness of care and to professional competency.

IV. Health care insurers shall provide public notice within their geographic service areas when applications for participation are being accepted.

V. Mental health care providers shall have the right to apply to any health care plan or network in which they desire to participate and to have the application judged on the basis of objective criteria that are available to both applicants and enrollees.

VI. Selective contracting decisions made by any health care insurer shall be based on an evaluation of multiple criteria including professional competence, quality of care, adherence to managed care philosophy consistent with the health care insurer, acceptance of utilization review practices, geographic provider distribution, and the appropriateness by which services are provided.

VII. Prior to initiation of actions leading to termination of a mental health care provider's participation contract "for cause," the mental health care provider shall be given notice specifying the grounds for termination and an opportunity for a hearing, except in cases where harm to patients is imminent or an action by a state licensing or certification board or other government agency effectively limits the mental health care provider's ability to practice.

CHAPTER 420-I

AVAILABILITY OF TRANSITION BENEFITS FOR OUTPATIENT MENTAL HEALTH CARE FOLLOWING A CHANGE IN HEALTH CARE COVERAGE

420-I:1 Purpose. The purpose of this chapter is to assure that consumers of mental health care who are covered under a group or blanket insurance policy and are in active treatment at the time the employer group under which they are eligible for coverage replaces one health care insurer with another health care insurer can continue to receive benefits from the existing provider for the mental health care being provided assuming that such treatment is covered under the replacement health insurance policy and until such time as the mental health treatment program is completed or statutory mental health benefit maximums are met, whichever first occurs.

420-I:2 Definitions. In this chapter:

I. "Active treatment" means medically necessary mental health services, consisting of 3 visits for an existing mental condition received from a qualified outpatient mental health care provider within the 120-day period preceding the replacement of the health care insurer for a disorder consistent with diagnosis listed in the most current edition of the Diagnostic and Statistical Manual (DSM) of Mental Disorders published by the American Psychiatric Association, which were both covered under the enrollee's previous health care policy and are defined as covered benefits, delivered according to policy provisions under the enrollee's contract, certificate, or other evidence issued by the replacement health care insurer.

II. "Health care insurer" means an insurance company providing health care coverage, including nonprofit health service corporation as defined in RSA 420-A, medical service corporation as defined in RSA 420, health maintenance organization as defined in RSA 420-B, and preferred provider organization as defined in RSA 420-C.

III. "Mental health care provider" means any psychiatrist licensed under RSA 329, or psychologist or mental health care provider certified under RSA 330-A to provide health care services, including care for mental and nervous conditions.

IV. "Transition benefits" means benefits provided under the contract, certificate or other evidence of coverage issued by the replacement health care insurer for the period referred to in RSA 420-I:2, V.

V. "Transition Period" means the period of time during which an enrollee who has been in active treatment at the time the employer group under which such enrollee is eligible for coverage replaces one health care insurer with another health care insurer can continue to receive benefits from the existing provider for the mental health care being provided assuming that such treatment is covered under the health care policy and until such time as the mental health treatment program is completed or annual statutory mental health benefits are met, or when the policy terminates, whichever occurs first.

420-I:3 Provider Eligibility. The services of any qualified outpatient certified mental health provider who is willing and able to accept the terms and conditions and eligibility criteria established by the replacement health care insurer shall be eligible for transition benefits.

420-I:4 Transition Benefits Available. The insured shall notify the replacement health care insurer of his interest in obtaining transition benefits. Transition benefits shall then be provided in accordance with the terms and conditions of the insured's new contract, certificate or other evidence of coverage, including, but not limited to copayments, deductibles, coinsurance, payment allowances, benefit limits and utilization management. The health care insurer shall pay for services eligible for transition benefits according to the contract, certificate, or other evidence of group coverage in an amount equal to the health care insurer's established payment for such eligible mental health services rendered by participating providers. Any provider rendering mental health services eligible for transition benefits shall accept any such established payment, either by the subscriber or the health care insurer, as payment in full and shall not bill the insured for any amount of money in excess of such established payment.

420-I:5 Applicability. Any qualified outpatient certified mental health care provider receiving reimbursement under this chapter shall be able to apply for and receive designation and reimbursement as a participating health care provider in the replacement health care insurer's provider network so long as the provider shall fulfill the terms of the contract with the insurer.

AMENDED ANALYSIS

This bill regulates the criteria used by health care insurers in selecting mental health care providers for their health care networks.

This bill also allows for enrollees covered under certain group or blanket insurance policies and who are in active treatment at the time the employer group under which they are insured is replaced by another health care insurer to continue mental health care services under certain circumstances.

SENATOR J. KING: The amendment does this, it regulates the criteria used by health care insurers in selecting mental health care providers for the health care network. It also allows for enrollees covered under certain group or blanket insurance policies and who are in active treatment at the time the employer group under which they are insured is replaced by another health care insurer to continue mental health care services under certain circumstances. Both sides agree on it. I think that we all agree on it. I commend the people with the political experience, Senator Delahunty sitting over here and Wayne King, who are working hard to help and any others and both sides agree that it should be ought to pass.

Floor amendment adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 600-FN-A, directing the liquor commission to license an agency liquor store in Center Harbor.

SB 632-FN-A, establishing a pilot program to disseminate from the Pease International Trade Center trade information to promote international trade and making an appropriation therefor.

SB 749-FN, relative to the workers' personal care assistance program.

SB 755-FN-A, allowing business profits tax credits for alternative fuel vehicles.

SB 796, allowing the state board of education to solicit funds to implement character and citizenship education.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 1101, relative to the collection of protested checks by the department of safety and relative to an outside lease for the electricians board.

HB 1203-FN, making technical amendments to the banking laws.

HB 1212-FN, revising the special education mediation provisions to include neutral conferences.

HB 1320, regulating commerce pertaining to consumer transactions involving credit reporting agencies.

HB 1368, establishing a commission to examine governmental reorganization.

HB 1379, establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report.

HB 1398, establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline.

HB 1405, relative to voting and party membership, special write-in ballots for overseas and armed services voters, change of party affiliation, nomination by write-in votes, and the checklist used at village district elections.

HB 1426, relative the placement of candidates' names on the ballot.

HB 1433, establishing a committee to review and make recommendations regarding health education in public schools.

HB 1534-FN-LOCAL, establishing a task force to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Senate Bills sent down from the Senate:

SB 773-FN-A, clarifying the applicability of the real estate transfer tax.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 672-FN, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bev Rodeschin
 Karen McRae
 Gary Gilmore
 Stan Peters

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 793-A, relative to the Pease development authority and making an appropriation therefor.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Channing Brown
 Arthur Klemm
 Frank Torr
 Charles Vaughn

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 792-A, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation for the Pease International Tradeport.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Channing Brown
Fran Torr
Paul Lamott
Charles Vaughn

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 624-FN, creating a unit within the department of environmental services to certify certain scientists.

HB 1289-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 744-FN-A, establishing a committee to study providing health insurance to the dependents of retired state employees.

SB 756-FN-A, relative to the definitions of "gross receipts" and "public utility" for the calculation of the franchise tax with respect to the sale of gas.

SB 767-FN, relative to mental illness coverage under insurance policies.

SB 501-FN-A, relative to the business transition credit with respect to the business enterprise tax.

SB 669-FN-LOCAL, relative to creditable service under the retirement system for time during which a person is receiving workers' compensation.

SB 702-FN-A, relative to congregate housing and making an appropriation therefor.

RESOLUTION

Senator Russman moved that all Bills left in Committee, Laid on the Table or not acted upon by the body in any manner with the exception of those sent to the Court for an opinion of the Justices be by this resolution made Inexpedient to Legislate.

Adopted.

BILLS KILLED BY RESOLUTION

HB 1454, relative to competitive bidding, and budget, personnel and purchasing procedures in Rockingham County.

HB 1556, establishing the position of fiscal officer for Rockingham County.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, May 17, 1994 at 1:00 p.m.

Adopted.

LATE SESSION**Third Reading and Final Passage**

HB 161-FN-A, an act increasing the membership of the adult parole board.

HB 178-FN, an act relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators.

HB 190-FN, relative to the authority of the Dept. of Transportation over certain abandoned rail lines and splitting the lease revenues for certain rail properties and establishing a committee to review and make recommendations relative to advertising devices.

HB 260-FN-A, an act establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services.

HB 317, an act establishing a grant program for closure of unlined solid waste landfills.

HB 414-FN-LOCAL, an act providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system.

HB 438-FN, an act requiring criminal history and temporary restraining order checks for sales of handguns by dealers using a toll-free number.

HB 439, an act relative to the profession of engineering.

HB 459-FN-A, an act establishing a program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor.

HB 622-FN, an act relative to solid waste management districts.

HB 634, an act establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists.

HB 639-FN-A, an act establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.

HB 652-FN, an act relative to state fee reform.

HB 656-FN, an act to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991.

HB 1010, an act relative to a 10-year transportation plan.

HB 1100, an act relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines.

HB 1118, an act eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glencliff home for the elderly be determined in accordance with the administrative procedure act.

HB 1153-FN, an act adopting the revised Uniform Enforcement of Foreign Judgments Act.

HB 1179, an act relative to the information required in agency requests for appropriations during the budget preparation process.

HB 1183-FN-L, an act providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members.

HB 1191-FN, an act relative to victims and victims' compensation.

HB 1194-FN, an act relative to the board of accountancy and related professional fees.

HB 1213-FN-A, an act appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made.

HB 1214-FN, an act relative to driver safety at highway construction sites.

HB 1217-FN-LOCAL, an act relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges.

HB 1237, an act relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime.

HB 1245, an act requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance.

HB 1260-FN-LOCAL, an act establishing a task force to study public education funding issues.

HB 1262-FN, an act relative to the compensation for medical, hospital, and remedial care under workers' compensation.

HB 1268-FN-A-L, an act requiring the Department of Transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor.

HB 1300-FN-A, an act requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation.

HB 1378, an act allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards.

HB 1382, an act creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund.

HB 1390, an act establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D.

HB 1442-FN-A, an act relative to a real estate transfer questionnaire.

HB 1456, an act relative to mental health care service providers.

HB 1458-FN-LOCAL, an act to provide incentive through school building aid for establishing and maintaining public kindergarten programs, and establishing a committee to review the maximization of revenues from programs administered by the New Hampshire Sweepstakes Commission.

HB 1469-LOCAL, an act relative to the definition of "impact fee" for the purpose of innovative land use controls,

HB 1472-FN, an act making an appropriation to the fund for domestic violence programs.

HB 1484-LOCAL, an act relative to the tax exempt status of certain properties.

HB 1495-FN, an act relative to taxes paid on simulcast racing.

HB 1496-FN-LOCAL, an act requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities.

HB 1507-FN, an act relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act.

HB 1515-FN, an act relative to the emissions reduction credits trading program.

HB 1518-A, an act requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated.

HB 1523-FN-A, an act establishing a state veterans' cemetery and making an appropriation therefor.

HB 1528-FN-L, an act establishing a safe school zone and relative to school violence.

HB 1536-FN, an act authorizing the court to issue emergency temporary orders telephonically.

HB 1539-FN, an act establishing a statewide intermodal transportation planning and improvement program.

HB 1551-FN-A, an act to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control.

HB 1566-FN, an act relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in places which are organized and which are not organized for voting, and relative to the declaration of intent form which must be filed by candidates, and relative to filing for a special election primary.

HB 1571-A, an act appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse.

HB 1572-FN, an act relative to indexing public employee labor relations board decisions and filing fees and making an appropriation therefor.

HB 1580-FN-A, an act increasing the funds appropriated to finance the gubernatorial transition.

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Tuesday, May 17, at 1:00 p.m.

Adopted.

Adjournment.

May 17, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

Loving Lord of legislation, as the Senators enjoy these days of stimulating work on their various Committees of Conference, may they remember that the only thing worse than having an inflexible backbone that is fused by political arthritis is having no backbone at all. Let them choose carefully and wisely those hills upon which they are willing to fight and die, and protect us from any Senator who has no such hills at all. Amen

Senator Barnes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SENATOR MCLANE: Those people who were just in the room didn't know that it was Ralph Hough's birthday on Saturday, but they gave him the presents anyway. I decided, given the politics of the moment, that nobody wants to kiss Ralph Hough right now, but we do have a very special present for you. Senator Delahunty has asked me if I would present it because I am your best and sometimes only friend. But this present comes from the whole Senate who have appreciated, if not always your politics and your timelessness, have appreciated the fact that this place has run well this year, because of you. For that reason, we have a particularly nice present, if you would just open it. It is something to put on your lawn, a granite thing, whatever you would like. They make all kinds of things. They make wonderful bird baths, you can have a tombstone and put it out, lots of things.

SENATOR HOUGH: Well.

SENATOR MCLANE: So it is a nice present and it is from everyone.

SENATOR HOUGH: I can tell you something. Mark Twain said, "the news of my death was greatly exaggerated," that is, my political death. It won't be a tombstone.

SENATOR MCLANE: Okay, a bird bath then.

SENATOR HOUGH: Thank you.

MOTION OF RECONSIDERATION

Senator MacDonald having voted on the prevailing side moved reconsideration on **HB 628**, requiring the department of safety to keep drivers' records confidential except for certain reasons, whereby we refused to accede to a request for a committee of conference.

Adopted.

SENATE ACCEDES TO REQUEST FOR A

COMMITTEE OF CONFERENCE

HB 628, requiring the department of safety to keep drivers' records confidential except for certain reasons,

Senator MacDonald moved to accede to a request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: MacDonald, Shaheen, Baldizar

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1428, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: William Boucher
Greg McGrath
Jon Beaulieu
John Sytek

SENATE REFUSES TO ACCEDE TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1428, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park.

Senator W. King moved to refuse to accede to the request for a Committee of Conference.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 697-FN-A, relative to the New Hampshire Industrial Research Center and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 697-FN-A, relative to the New Hampshire Industrial Research Center and making an appropriation therefor.

Senator W. King moved concurrence.

Adopted.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 280, relative to zoning requirements for family day care homes.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Karen Wadsworth
Thomas Rice
Elizabeth Cepaitis
Tommy St. Martin

**SENATE ACCEDES TO REQUEST FOR A
COMMITTEE OF CONFERENCE**

HB 280, relative to zoning requirements for family day care homes.

Senator Roberge moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Barnes, Baldizar.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1120-LOCAL, making procedural and housekeeping changes regarding the board of tax and land appeals.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Karen Wadsworth
 Paul Golden
 Sherman Chester
 Paula Bradley

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1120-LOCAL, making procedural and housekeeping changes regarding the board of tax and land appeals.

Senator Currier moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Blaisdell, Bourque

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

HB 1450-LOCAL, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Karen Wadsworth
 Joe Stone
 Patricia Cote
 Gabriel Daneault

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1450-LOCAL, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills.

Senator Roberge moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Roberge, Barnes, Bourque.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 508-LOCAL, enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 508-LOCAL, enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities.

Senator W. King moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 575-FN, modifying the dental practice act.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 575-FN, modifying the dental practice act.

Senator Currier moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership.

Senator Currier moved concurrence.

Adopted.

**SENATE NON CONCURS AND REQUEST
A COMMITTEE OF CONFERENCE**

SB 716, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

Senator Russman moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Russman, Currier, W. King.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 716, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Jeb Bradley
 Amanda Merrill
 Richard Wasson
 Donald Philbrick

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 717, relative to residency forms and automobile insurance.

**SENATE NON CONCURS AND REQUESTS
A COMMITTEE OF CONFERENCE**

SB 717, relative to residency forms and automobile insurance.

Senator Delahunty moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Blaisdell, Fraser, Russman

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 717, relative to residency forms and automobile insurance.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bonnie Packard
 Mercer
 Lindblade
 Newland

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 758-FN, relative to a civil filing fee surcharge for civil legal assistance to low-income persons.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 758-FN, relative to a civil filing fee surcharge for civil legal assistance to low-income persons.

Senator Podles moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Hollingworth, Baldizar

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 806, relative to a capital appropriation for repair and restoration of the state house.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 806, relative to a capital appropriation for repair and restoration of the state house.

Senator Shaheen moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Shaheen, MacDonald, Baldizar

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 807-FN-LOCAL, allowing the establishment of the Capital Wellness Center, Inc.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 807-FN-LOCAL, allowing the establishment of the Capital Wellness Center, Inc.

Senator J. King moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, Currier, McLane

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 791-FN-A, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.

Senator J. King moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, Hollingworth, Hough

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 753-FN-A-LOCAL, relative to promoting economic self-sufficiency for families receiving AFDC.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 753-FN-A-LOCAL, relative to promoting economic self-sufficiency for families receiving AFDC.

Senator J. King moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 621-FN, relative to eligibility for unemployment benefits.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 621-FN, relative to eligibility for unemployment benefits.

Senator Roberge moved non concurrence and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Barnes, Lamirande, Pignatelli

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 625-FN-A, relative to an in-home care pilot program and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 625-FN-A, relative to an in-home care pilot program and making an appropriation therefor.

Senator J. King moved concurrence.

Adopted.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1329-LOCAL, clarifying the definition of public employee for purposes of workers' compensation.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bonnie Packard
Beverly Gage
Robert Mercer
Thea Braiterman

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1329-LOCAL, clarifying the definition of public employee for purposes of workers' compensation.

Senator Delahunty moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Shaheen, MacDonald, Hollingworth

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state, and establishing a committee to study the problem of suicide among young people.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Patricia Brown
Charles Yeaton
Susan Durham
Carol Holden

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state, and establishing a committee to study the problem of suicide among young people.

Senator Disnard moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Disnard, Bourque, Currier

COMMITTEE OF CONFERENCE CHANGE

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state, and establishing a committee to study the problem of suicide among young people.

Senator Cohen replaces Senator Disnard.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 451-FN, requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Foster
Alice Ziegra
Kay Ward
Katherine Wheeler

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 451-FN, requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.

Senator J. King moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, McLane, Hollingworth

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1512-FN, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donald Philbrick
Irene Messier
Kathryn Aranda
Betty Hall

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1512-FN, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee.

Senator Russman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Russman, Pignatelli, Lamirande

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1285-FN-LOCAL, permitting solid waste management districts to contract with certain persons for solid waste management services.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Rebecca Lee
Amanda Merrill
Irene Messier
William Hauck

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1285-FN-LOCAL, permitting solid waste management districts to contract with certain persons for solid waste management services.

Senator Russman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Russman, Pignatelli, Lamirande

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1533, relative to the composition of the pesticide control board.
and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Richard Wasson
Marilyn Campbell
Jeb Bradley
Greg Hanselman

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1533, relative to the composition of the pesticide control board.

Senator Currier moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Russman, Currier, Lamirande

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1144-FN, permitting the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer and relative to the permit fee.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Herb Drake
Henry Columbe
Irvin Lachut
Linda Smith

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1144-FN, permitting the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer and relative to the permit fee.

Senator Cohen moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Cohen, Roberge, Blaisdell

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 740-FN, relative to employee leasing.

SENATE NON CONCURS AND REQUESTS**A COMMITTEE OF CONFERENCE**

SB 740-FN, relative to employee leasing.

Senator W. King moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, MacDonald, Shaheen

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1282, allowing coyote hunting at night.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Clyde Douglass
 Irvin Lachut
 Joseph Schanda
 Linda Smith

SENATE ACCEDES TO REQUEST FOR**A COMMITTEE OF CONFERENCE**

HB 1282, allowing coyote hunting at night.

Senator Cohen moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Cohen, Blaisdell, Roberge

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1535, exempting certain vessels from the state vessel registration fee and the boat fee.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ted Klemarczyk
 Tom Cain
 Frank Callaghan
 Robert Wheeler

SENATE ACCEDES TO REQUEST FOR**A COMMITTEE OF CONFERENCE**

HB 1535, exempting certain vessels from the state vessel registration fee and the boat fee.

Senator Cohen moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Cohen, Roberge, Disnard

COMMITTEE OF CONFERENCE CHANGE

HB 1535, exempting certain vessels from the state vessel registration fee and the boat fee.

Senator Blaisdell replaces Senator Disnard.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 670-FN, making technical corrections to the securities laws and relative to fees for securities registration.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 670-FN, making technical corrections to the securities laws and relative to fees for securities registration.

Senator Fraser moved concurrence.

Adopted.

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 709-FN, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 709-FN, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan.

Senator J. King moved non concurrence and requested a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: J. King, McLane, Baldizar.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 389, relative to the disclosure of certain historical information regarding property.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Mercer
Carol Yennaco
Eric Lindblade
Martha Fuller Clark

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 389, relative to the disclosure of certain historical information regarding property.

Senator Currier moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, J. King, Fraser.

6505B

Enrolled Bill Amendment to SB 658

Amend RSA 317-A:21-c as inserted by section 3 of the bill by replacing lines 4-5 with the following:

"R.D.H.", or using the words or symbols indicates that the person is a licensed dental hygienist who provides care that is educational,

SENATOR CURRIER: This enrolled bill amendment corrects a grammatical error. Changing the word "indicating" to "indicates" and adding the word "who" in the next line clarifies the meaning of this section.

Senator Currier moved adoption.

Adopted

6503B

Enrolled Bill Amendment to SB 604-FN

Amend RSA 167:4, II as inserted by section 1 of the bill by replacing line 3 with the following:

fair market value within [30 months] *36 months or in the case of payments from a*

SENATOR CURRIER: This enrolled bill amendment corrects a grammatical error to make it clear that the assignments or transfers of property are treated as one type of asset and payments from trusts are treated as a separate type of asset for the purposes of this bill.

Senator Currier moved adoption.

Adopted

6508B

Enrolled Bill Amendment to SB 562

Amend the bill by replacing all after section 1 with the following:

2 License to Carry a Pistol; Renewal Date Changed. Amend RSA 159:6 to read as follows:

159:6 License to Carry. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the

applicant to carry a loaded pistol or revolver in this state for not more than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting or self defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original [thereof] shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. ***When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance.*** The license shall be issued within 14 days after application [therefor], and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy [thereof] kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue said licenses. No other forms shall be used by officials of cities and towns. The cost of said forms shall be paid out of the fees received from nonresident licenses.

3 Provision Nullified. 1994, 115:1, relative to license to carry, shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect 60 days after its passage.

SENATOR CURRIER: This enrolled bill amendment incorporates changes made by Chapter 115, New Hampshire Laws of 1994 (HB 1364), changing the renewal date for a license to carry a pistol or revolver. This session, 2 bills have been passed which amend RSA 159:6, dealing with the renewal date for licenses to carry pistols or revolvers. One bill has already been signed into law (Chapter 115) but does not take effect until January 1, 1995. The amendments to RSA 159:6 passed in the other bill (SB 562) will take effect 60 days after it is signed. To make sure that the changes adopted in both bills become law, it is necessary to do the following: I. A new section is added to this bill which incorporates the changes made in section 1 with the changes made in Chapter 115. II. Section 1 of this bill will still take effect 60 days after it is signed into law. The new section 2 will still take effect January 1, 1995, as intended in Chapter 115. III. A new section 3 is added to this bill to nullify Chapter 115, so that it will not take effect and delete the changes made in this bill.

Senator Currier moved adoption.

Adopted.

6507

Enrolled Bill Amendment to SB 677-FN

Amend section 3 of the bill by replacing line 4 with the following: subparagraph I(b) or paragraph II, the following procedures shall apply:

SENATOR CURRIER: This enrolled bill amendment corrects the reference to a subparagraph which was removed. Section 1 of this bill amends current law by eliminating the existing subparagraphs, leaving just one paragraph. This amendment corrects a reference to this paragraph in a later section of the bill.

Senator Currier moved adoption.

Adopted

6504

Enrolled Bill Amendment to HB 1209-FN

Amend the title of the bill by replacing it with the following:

An Act relative to administrative motor vehicle license suspensions.

SENATOR CURRIER: This enrolled bill amendment corrects the title of the bill by inserting the word "license." Adding this word to the title emphasizes that this bill deals with administrative license suspension (known as "ALS") in motor vehicle matters.

Senator Currier moved adoption.

Adopted

6506B

Enrolled Bill Amendment to HB 1313-FN

Amend the title of the bill by replacing it with the following:

An Act requiring the department of safety to issue an automotive recycling dealer as many sets of number plates as such person may require.

Amend RSA 261:124 as inserted by section 2 of the bill by replacing line 1 with the following:

261:124 Application. The applicant for [a motor vehicle junk] *an*

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 10:

8 Reference Change. Amend RSA 261:141, III(v) to read as follows:

(v) For motor vehicles owned by or under control of [motor vehicle junk] *automotive recycling dealer* licensee - \$30 up to first 7,000 lbs., over 7,000 lbs. - \$.74 per 100 lbs. gross weight.

9 Reference Change. Amend RSA 21-P:14, III(aa) to read as follows:

(aa) Registration by [motor vehicle junk] *automotive recycling* dealers, as authorized by RSA261:123-134.

SENATOR CURRIER: This enrolled bill amendment corrects the title of the bill to delete a redundant phrase. The amendment also changes "a" to "an" for grammatical purposes in section 2 of the bill. Finally, it corrects 2 existing RSA references to "motor vehicle junk dealers" to read "automotive recycling dealers" in conformance with one of the purposes of the bill.

Senator Currier moved adoption.

Adopted

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1528, establishing a safe school zone and relative to school violence. and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Susan Franks
William Williamson
Patricia Skinner
John White

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1528, establishing a safe school zone and relative to school violence.
Senator J. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Baldizar, Colantuono, Cohen

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Richard Trelfa
Amanda Merrill
Robert Pullman
Fred Peyron

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D.

Senator Russman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Russman, Disnard, Pignatelli

COMMITTEE OF CONFERENCE CHANGE

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D.

Senator Cohen replaces Senator Disnard.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1442, relative to a real estate transfer questionnaire.
and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Karen Wadsworth
Garret Cowenhoven
Patricia Dowling
Tommy St. Martin

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1442, relative to a real estate transfer questionnaire.

Senator J. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, Colantuono, Lovejoy

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1456, relative to mental health care service providers.
and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Beverly Gage
John Hunt
Carol Yennaco
Thea Braiterman

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1456, relative to mental health care service providers.

Senator J. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, Fraser, Shaheen

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 639, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Beverly Gage
Richard Hill
Kathleen Ward
Matthew Newland

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 639, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.

Senator Currier moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Bourque, J. King

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Beverly Gage
Paul Drolet
Shawn Jasper
Suzanne Loder

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature.

Senator Fraser moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fraser, Baldizar, Bourque

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1217, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gene Chandler
Terence Pfaff
Winston McCarty
Richard Ahern

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1217, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges.

Senator MacDonald moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: MacDonald, Shaheen, Bourque

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1237, making interference with the duty of a probation or parole officer a crime.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Richard Campbell
Donna Sytek
William Knowles
Kathleen Ward

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1237, making interference with the duty of a probation or parole officer a crime.

Senator Podles moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, Blaisdell, Colantuno

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1268, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gene Chandler
John Chandler
Terence Pfaff
Henry Sullivan

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1268, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor.

Senator MacDonald moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, W. King, MacDonald

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1245, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Kelley
 Lynn Horton
 Frank Reidy
 Ann Torr

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1245, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance.

Senator McLane moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Hollingworth, Blaisdell

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 317, establishing a grant program for closure of unlined solid waste landfills.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Frank Torr
 Merle Schotanus
 Channing Brown
 Margaret Lynch

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 317, establishing a grant program for closure of unlined solid waste landfills.

Senator Russman moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Pignatelli, Fraser, Shaheen

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1496, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Richard Trelfa
 Richard Wasson
 Rebecca Lee
 Robert Daigle

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1496, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities.

Senator Russman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Russman, Pignatelli, MacDonald

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1194, relative to the board of accountancy and related professional fees. and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Paul Fillion
 John Sytek
 Gerald Gosselin
 Kathleen Ward

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1194, relative to the board of accountancy and related professional fees. and requests a Committee of Conference.

Senator Currier moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, J. King, Lovejoy

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1429, exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Carol Holden
Janet Arndt
Karen Wadsworth
Lionel Johnson

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1429, exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

Senator J. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, MacDonald, McLane

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 190, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: William Boucher
David Scanlan
Sandra Dowd
Bonnie Groves

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 190, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments.

Senator MacDonald moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Blaisdell, Hollingworth, MacDonald

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1580, increasing the funds appropriated to finance the gubernatorial transition.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Holbrook
Frank Torr
Eric Lindblade
Elizabeth Crory

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1580, increasing the funds appropriated to finance the gubernatorial transition.

Senator J. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, Barnes, Podles

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1260, establishing a task force to study public education funding issues. and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Garret Cowenhoven
Avis Nichols
Richard Trelfa
Joyce Johnson

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1260, establishing a task force to study public education funding issues.
Senator McLane moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Blaisdell, Hough

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1571-A, appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gene Chandler
William Driscoll
Leon Calawa
Katherine Rogers

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1571-A, appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse.

Senator Shaheen moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Shaheen, Roberge, Baldizar

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1142, relative to lenders regulated by the banking department and relative to consumer credit transactions.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bonnie Packard
John Hunt
Douglass Teschner
Elizabeth Crory

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1142, relative to lenders regulated by the banking department and relative to consumer credit transactions.

Senator Fraser moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fraser, Baldizar, Barnes

COMMITTEE OF CONFERENCE CHANGE

HB 1142, relative to lenders regulated by the banking department and relative to consumer credit transactions.

Senator Lamirande replaces Senator Baldizar.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1551, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kathleen Ward
Merle Schotanus
Gregory McGrath
Meton Dyer

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

HB 1551, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control.

Senator Blaisdell moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Blaisdell, Russman, Hollingworth

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1135, relative to a judicial council study of family matters within the state court system.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Elizabeth Moore
Robert Lockwood
Janet Wall
Deborah Woods

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1135, relative to a judicial council study of family matters within the state court system.

Senator Podles moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Podles, Hollingworth, Baldizar

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1185, relative to fees charged for the registration of private pesticide applicators.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Scanlan
Jeb Bradley
Richard Trelfa
Betty Coes

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1185, relative to fees charged for the registration of private pesticide applicators.

Senator Russman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Russman, Pignatelli, Lamirande

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 656, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kathleen Ward
Merton Dyer
Robert Holbrook
Gregory McGrath

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 656, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991.

Senator Delahunty moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Blaisdell, MacDonald, Shaheen

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1484, relative to the tax exempt status of certain properties.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Joseph Stone
Kenneth Weyler
Karen Wadsworth
Linda Foster

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1484, relative to the tax exempt status of certain properties.

Senator McLane moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McLane, Shaheen, Barnes

HOUSE MESSAGES

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 439, relative to the profession of engineering.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: William Boucher
Sandra Dowd
Bonnie Groves
Larry Emerton

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 439, relative to the profession of engineering.

Senator Currier moved to accede to request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Currier, Colantuono, Bourque.

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 1572, relative to the public employee labor relations board and filing fees and making an appropriation therefor.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Hawkins
Garret Cowenhoven
Robert Wheeler
Lorraine Palmer

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1572, relative to the public employee labor relations board and filing fees and making an appropriation therefor.

Senator Roberge moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Barnes, Pignatelli, Lovejoy

HOUSE MESSAGES

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 518, relative to life and health insurance policy language simplification.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Beverly Gage
Robert Mercer
John Hunt
Thea Braiterman

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 580, establishing a committee to study future directions for New Hampshire child care licensing policies.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Carol Holden
Janet Arndt
Karen Wadsworth
Lionel Johnson

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 589, relative to the powers of fiduciaries in environmental matters.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Nick Hart
David Mittleman
Rick Newman
Robert Lockwood

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 592, relative to the display of expired motor vehicle plates.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Shawn Jasper
Kenneth Malcolm
Maurice Regan
Bernard Raynowska

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 608, increasing the penalty for certain DWI offenses to include lifetime license revocation.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donna Lee Lozeau
C. William Johnson
Richard Campbell
Patricia Hambrick

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation."

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Elizabeth Hager
Deborah Woods
Carol Holden
Irene Pratt

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 638-FN, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Frank Torr
Robert Wheeler
Arthur Klemm
David Cote

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 650-FN-A, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Frank Torr
Robert Johnson
Arthur Klemm
Mary Jane Wallner

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 667, relative to guardians ad litem appointed in child protection cases.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Majorie Battles
Deborah Woods
Benjamin DePecol
Robert Johnson

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 747, relative to lease-purchase agreements.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John Hunt
Richard Hill
Robert Mercer
Matthew Newland

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 763, establishing an executive board for community service.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kathleen Ward
Karen McRae
Gerald Gosselin
Ray Langer

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 758-A, relative to a civil filing fee surcharge for civil legal assistance to low-income persons.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Lockwood
Newman
Robert Wheeler
Frank Torr

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor.

SENATE NON CONCURS AND REQUESTS

A COMMITTEE OF CONFERENCE

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor.

Senator J. King moved non concurrence and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: J. King, McLane, Blaisdell

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 772-FN, authorizing involuntary civil commitment for certain individuals and making appropriations therefor.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Donna Sytek
Frank Torr
Donna Lee Lozeau
William Knowles

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 806, relative to a capital appropriation for repair and restoration of the state house.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John Chandler
Terence Pfaff
Frank Torr
Richard Ahern

HOUSE MESSAGES

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 807, allowing the establishment of the Capital Wellness Center, Inc. on the part of the House of Representatives, has appointed as members of said Committee of Conference:

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gene Chandler
Terence Pfaff
Sandra Keans
Katherine Rogers

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 621-FN, relative to eligibility for unemployment benefits.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Hawkins
Robert Turner
Paul Perkins
Amy Bagley

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 740-FN, relative to employee leasing.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Bonnie Packard
Anthony Syracuse
Douglass Teschner
Neal Kurk

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 709, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Eleanor Amidon
Frank Torr
Robert Wheeler
Alphonse Hattenschwiller

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 791, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Foster
Ann Torr
Douglas Hall
Mary Jane Wallner

HOUSE MESSAGES

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bill sent down from the Senate:

HB 458-FN-LOCAL, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause.

HB 634, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists.

HB 1378-FN-LOCAL, allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards.

HB 1461, establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire.

HOUSE MESSAGES

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 1372, establishing the granite state cultural legacy award.

HB 1422-FN-LOCAL, relative to the dog control laws and the portion of the dog license fee retained by town and city clerks.

HB 1458-FN-LOCAL, to provide incentive through school building aid for establishing and maintaining public kindergarten programs, and establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission.

HB 1469-LOCAL, relative to the definition of "impact fee" for the purpose of innovative land use controls.

HB 1495-FN, relative to the definition of "racing program" for the purposes of assessing taxes on simulcast races and establishing a committee to study the pari-mutuel tax structure in New Hampshire.

HB 1515-FN, relative to the emissions reduction credits trading program.

HB 1518-A, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated.

HB 1566-FN, relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in organized places which are not organized for voting, relative to the declaration of intent form, relative to filing for a special election primary, relative to the party designation on ballots, relative to the board of claims, and relative to the appropriation to the board of auctioneers to fund continuing education.

HB 1586-FN-LOCAL, regarding victim and law enforcement access to certain confidential information regarding a juvenile offender.

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 161-FN-A, increasing the membership of the adult parole board.

HB 178-FN, relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators.

HB 279, prohibiting certain household cleansing products containing phosphates.

HB 414-FN-LOCAL, providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system.

HB 438-FN, requiring criminal history record and protective order checks for sales of handguns by dealers using a premium telephone service.

HB 622-FN, relative to solid waste management districts.

HB 652-FN, relative to state fee reform.

HB 1010-LOCAL, relative to a 10-year transportation plan.

HB 1100, relative to the importation, possession and sale of wolf hybrids and establishing a study committee on wolf hybrids.

HB 1118, eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glenclyff home for the elderly be determined in accordance with the administrative procedure act and relative to persons with head injuries.

HB 1153-FN, adopting the revised Uniform Enforcement of Foreign Judgments Act.

HB 1158, relative to the state's policy regarding the review and assessment of new health services and relative to the membership of the health services planning and review board.

HB 1191-FN, relative to victims and victims' compensation.

HB 1214-FN, relative to driver safety at highway construction sites.

HB 1262-FN, relative to the compensation for medical, hospital, and remedial care under workers' compensation and relative to medical and surgical benefits for certain state employees.

HB 1290-FN, replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 583, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors.

HB 1107, making crack cocaine subject to greater penalties under the controlled drug act and prohibiting the operation of methadone maintenance program.

HB 1134, increasing the penalty for criminal threatening and reckless conduct with a deadly weapon.

HB 1147, relative to parental liability for support of dependent children on public assistance.

HB 1227, allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts and establishing priority rights as between such victim and the indemnifying entity.

HB 1247, allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances.

HB 1263, authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority.

HB 1284, increasing the restitution amount for illegally taking or possessing certain games.

HB 1349, relative to representation of business organizations in small claims court.

HB 1509, exempting persons participating in an American Water ski Association event from the wearing of certain personal floatation devices.

SB 520, relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord.

SB 558, relative to imposing late payment fees on retail credit customers.

SB 613, relative to administrative fines for violations of the emergency medical services law.

SB 634, establishing a committee to study and promote the use of non-motorized transportation.

SB 702, relative to congregate housing and making an appropriation therefor.

SB 730, relative to funding for low income and financially disadvantaged utility assistance programs.

SB 802, relative to real estate appraisers.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 459, establishing a program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor.

HB 1101, relative to the collection of protested checks by the department of safety and relative to an outside lease for the electricians board.

HB 1106, making a person, who engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.

HB 1179, relative to the information required in agency requests for appropriations during the budget preparation process.

HB 1254, relative to the performance of uncompensated public service by persons convicted of crimes.

HB 1398, establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline.

HB 1443, relative to town meetings and public hearings in large towns.

HB 1462, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems.

HB 1476, relative to certain definitions under the environmental laws, municipal liability and the tax sale and lien process, and the liability of owners of hazardous waste facilities.

HB 1588, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum.

SB 547, encouraging the state to acquire recreational property on Lake Winnepesaukee and Patenaude's pond in Boscawen and establishing a committee to study the acquisition of both properties and making an appropriation therefor.

SB 503, relative to the practice of electrology and the collection of certain fees.

SB 536, relative to appropriations for the expansion of the port of Portsmouth.

SB 572, relative to maximum benefit limitations under the New Hampshire retirement system.

SB 576, relative to disease control.

SB 726, changing the title of the division for children and youth services to the division for children, youth and families.

SB 743, relative to insurance coverage for children.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1108, relative to the appointment of members to the northeast inter-state dairy compact commission and relative to the certification of milk laboratories.

HB 1143, increasing the penalties for illegal clamming.

HB 1232, prohibiting annulments for certain crimes.

HB 1318, relative to reporting requirements for elected officials.

HB 1368, establishing a commission to examine governmental reorganization.

HB 1403, requiring the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year upon failing to require necessary proof for the issuance of a license and making such person guilty of a class B misdemeanor.

HB 1405, relative to voting and party membership, special write-in ballots for overseas and armed services voters, change of party affiliation, nomination by write-in votes, and the checklist used at village district elections.

HB 1519, limiting any pecuniary benefits received by directors and officers of charitable trusts.

HB 1545, relative to disclosure regarding contests and gift giveaways.

HB 1553, making a capital appropriation to the supreme court for the design of an administrative office building.

SB 128, relative to the recodification of the forestry laws.

SB 525, relative to medicare supplemental insurance.

SB 612, relative to the electrician's licensing board.

SB 637, relative to a pilot program concerning the use of deicing methods and alternatives.

SB 664, relative to laid off state employees whose positions are federally funded.

SB 669, relative to creditable service under the retirement system for time during which a person is receiving workers' compensation.

HB 404, relative to the prohibited coercion of employees to make political contributions.

HB 1117, relative to new motor vehicle arbitration.

HB 1133, allowing organization members' spouses to assist at bingo games.

HB 1183, providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members.

SB 501, relative to the business transition credit with respect to the business enterprise tax.

SB 585, increasing penalties for certain acts of cruelty to animals.

SB 591, relative to notification of aerial pesticide application.

SB 604, relative to the medicaid look-back provisions for applicants for public or medical assistance and authorizing the commissioner of the department of health and human services to adopt rules relative to the compensation of the members of the drug use review board.

SB 658, regulating the practice of dental hygiene, including the issuance of licenses and fees.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that we be in recess to receive House Messages and Enrolled Bills Committee Reports and that when we adjourn, we adjourn until Tuesday, May 24, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Tuesday, May 24, 1994 at 1:00 p.m.

Adopted.

Recess.

Out of Recess.

COMMITTEE OF CONFERENCE CHANGE

HB 1187, an act relative to the signature of manufactured housing park owners on deeds and the fee for such signature.

Senator Hollingworth replaces Senator Bourque.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1212-FN, revising the special education mediation provisions to include neutral conferences.

HB 1391, relative to consumer protection and going out of business sales.

SB 594-FN, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license; liquor hours of sale; purchases by the liquor commission; payments to on-sale or off-sale licensees by holders of beverage manufacturer, vendor, or distributor licenses; and definitions for purposes of the liquor laws.

SB 744-FN, establishing a committee to study providing health insurance to the dependents of retired state employees.

SB 759-FN-A, relative to child support and making an appropriation therefor.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1112, permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials.

HB 1118, eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glenclyff home for the elderly be determined in accordance with the administrative procedure act and relative to persons with head injuries.

HB 1119, authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus, and relative to certain technical changes in the mental health laws.

HB 1186, making a breach of confidentiality a violation of oath of office for town officers.

HB 1203, making technical amendments to the banking laws.

HB 1495-FN, relative to the definition of "racing program" for the purposes of assessing taxes on simulcast races and establishing a committee to study the pari-mutuel tax structure in New Hampshire.

HB 1536, authorizing the court to issue emergency temporary orders telephonically.

SB 552, providing for ownership rights to dies, molds, forms, and patterns under certain conditions.

SB 562, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license.

SB 653, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council.

SB 673, generally amending certain provisions relating to domestic violence.

SB 677, relative to paternity.

SB 719, establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.

Senator Currier moved adoption.

Adopted.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Tuesday, May 24, 1994 at 1:00 p.m.

Adopted.

LATE SESSION

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Tuesday, May 24, 1994 at 1:00 p.m.

Adopted.

Adjournment.

May 24, 1994

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rabbi Ned Soltz, Senate Guest Chaplain.

Oh God of all humanity, those of us who each in our own way are called to serve, give thanks to You for that privilege of service, but along with that privilege of service, we ask for Your help. We ask for help to dispense justice wisely, and to judge with wisdom, and to grow in wisdom, to change and to be changed. And to recognize that sacred calling of service to humanity and specifically the sacred calling of the service to the citizens of the state of New Hampshire to which all of us are called. May we have strength and may we serve You and serve our people, proudly. Amen

Senator J. King led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1213, appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made.

HB 1214, relative to driver safety at highway construction sites.

HB 1534, establishing a task force to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee.

SB 733, requiring certification of athletic trainers, including fees for certification.

SB 754, directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine.

SB 756, relative to the definition of "gross receipts" and "public utility" for the calculation of the franchise tax with respect to the sale of gas.

Senator Currier moved adoption.

Adopted.

SUSPENSION OF THE RULES

Senator W. King moved that Senate Rules 17A and 17B be suspended to allow the introduction of a Senate Bill after the deadline.

SENATOR W. KING: This is a bill that came through the Senate as an amendment because of a last minute request by a village district in the town of Haverhill. There is no opposition within this body and there is not opposition by the town. For some reason the House did not want to have it as a part of the bill. So we are introducing it as a separate bill, and it will go over to the House, and I believe that they will go along with it.

SB 809, relative to enacting zoning ordinances in the Mountain Lakes District. (W. King, Dist. 2; Currier, Dist. 7; Teschner, Graf. 5; Dickinson, Carr 2; J. Johnson, Merr.8; LaMott, Graf 5; Trelfa, Graf 2)

Senator W. King moved adoption.

Adopted by the necessary 2/3 vote.

SUSPENSION OF THE RULES

Senator W. King moved that the Rules of the Senate be suspended to dispense with the printing of the bill, holding of a hearing, the notice of a committee report in the calendar, and that the bill be put on Second Reading at the present time.

SB 809, relative to enacting zoning ordinances in the Mountain Lakes District.

Adopted by the necessary 2/3 vote.

SUSPENSION OF THE RULES

Senator W. King moved that the rules be suspended to put SB 809 on Third Reading and Final Passage at the present time.

SB 809, relative to enacting zoning ordinances in the Mountain Lakes District.

Adopted by the necessary 2/3 vote.

Third Reading and Final Passage

SB 809, relative to enacting zoning ordinances in the Mountain Lakes District.

COMMITTEE OF CONFERENCE REPORTS

6556B

COMMITTEE OF CONFERENCE REPORT ON HB 317

The committee of conference to which was referred House Bill 317, An Act establishing a grant program for closure of unlined solid waste landfills having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Pignatelli, Dist. 13

Sen. Fraser, Dist. 4

Sen. Shaheen, Dist. 21

*Conferees on the Part
of the House*

Rep. F. Torr, Straf. 12

Rep. Schotanus, Sull. 3

Rep. C. Brown, Graf. 14

Rep. Lynch, Ches. 19

Senator Pignatelli moved to adopt the Committee of Conference Report.

Adopted.

6599B

COMMITTEE OF CONFERENCE REPORT ON HB 389

The committee of conference to which was referred House Bill 389, An Act relative to the disclosure of certain historical information regarding property having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Section; History of Property. Amend RSA 477 by inserting after section 4-c the following new section:

477:4-d History of Property.

I. No cause of action shall arise against the owner of real property, or any agent of such owner, for failure to disclose information to a buyer regarding that such real property was a site of a homicide, other felony, or a suicide.

II. Notwithstanding paragraph I, the seller and buyer of real property shall be free to negotiate contractual rights of disclosure concerning the matter in RSA 477:4-d, I.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7
Sen. J. King, Dist. 18
Sen. Fraser, Dist. 4

*Conferees on the Part
of the House*

Rep. Mercer, Hills. 27
Rep. Yennaco, Rock. 27
Rep. Lindblade, Sull. 7
Rep. M. Fuller Clark, Rock. 31

AMENDED ANALYSIS

The bill declares that no cause of action shall arise against an owner of real property for failure to disclose that the property was the site of a homicide, other felony, or a suicide.

SENATOR COLANTUONO: This new amendment says, "that no cause of action shall arise against the owner of real property or any agent of such owner for failure to disclose information to a buyer regarding that such real property was a site of a homicide, other felony, or a suicide." My question is, does this mean that if you ask the owner, was this house ever the site of a homicide or a suicide or felony, and the owner lies to you and says no, that you can't sue them if you find out later that that was a lie. I do not think that was the intent of the legislation. I think that there is maybe a mistake.

SENATOR CURRIER: I am not sure that the 'failure to disclose' means from a legal standpoint. If the person says that it was not in lies. I would assume there would be, in fact, cause.

SENATOR COLANTUONO: Would you believe, the way that I read this is as someone who may someday have to be involved in a suit like this. I would argue very strongly, that misrepresenting is a failure to disclose, and this law would prohibit an action. I don't think that we want to do that. I think we should go back to conference.

SENATOR CURRIER: This bill is exactly as it was as it passed the House and the Senate with one exception, and it takes out the HIV paragraph that was in the bill. Because there are federal statutes that take care of that disclosure currently. All we did was take that out of the bill. This amendment is exactly what is in the bill currently and what was passed by the House and Senate. It amended out the HIV clause in the bill and left everything else.

SENATOR COLANTUONO: I think it is a problem.

SENATOR LOVEJOY: Senator, you say that it is covered by federal legislation, I wonder if you can satisfy my curiosity of what and how that is?

SENATOR CURRIER: It is under the American Disability Act. That was what we were told in the Committee of Conference by members of the conference and other interested parties. The part that was taken out of the bill was the following quote, "Any agent of a seller of real estate of real property shall be prohibited from disclosing that such real property is or was inhabited by a person infected with a communicable disease." The House had a problem with the Senate amendment, communicable disease.

The House version had HIV, specific language. The Senate thought that it was discriminatory, and we put in the communicable disease clause. The House said that communicable disease was too broad. The second paragraph then became the first, and the third became the second, which is what you see in the Committee of Conference report.

SENATOR LOVEJOY: I understand, Senator, I understand that, but you made the statement that the HIV disclosure is covered by federal law. My question to you is that where it is coming from? I don't know where it is covered. My whole purpose, would you believe, that the whole purpose of this bill as it was originally proposed, was to give some guidance as to how to treat the question of HIV? This was at the request of the real estate community that felt no such protection from anywhere, and wanted some state legislation that would give them some guidance?

SENATOR CURRIER: Senator, unfortunately I can not tell you right off the top of my head. I am looking at the file to see if I can come up with something. If you give me a minute I will look through the report and find it.

Recess.

Out of recess.

SENATOR CURRIER: I rise in opposition to the report so that we can, in fact, vote this down and discharge the Committee of Conference and ask for a new Committee of Conference, to take care of an oversight error that was just pointed out dealing with the language that is in the amendment now.

Senator Currier moved to refuse to adopt the Committee of Conference Report.

Adopted.

Senator Currier moved to discharge the committee and establish a new committee.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Currier, J. King, Fraser.

6617B

COMMITTEE OF CONFERENCE REPORT ON HB 439

The committee of conference to which was referred House Bill 439, An Act relative to the profession of engineering having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7

Sen. Colantuono, Dist. 14

Sen. Bourque, Dist. 20

*Conferees on the Part
of the House*

Rep. Boucher, Rock. 29

Rep. Dowd, Rock. 13

Rep. Groves, Rock. 22

Rep. Emerton, Hills. 7

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

Senator Lamirande in opposition to HB 439.

6559B

COMMITTEE OF CONFERENCE REPORT ON HB 451-FN

The committee of conference to which was referred House Bill 451-FN, An Act requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Naturopathic Health Care Practice. Amend RSA by inserting after chapter 328-D the following new chapter:

CHAPTER 328-E**NATUROPATHIC HEALTH CARE PRACTICE****328-E:1 Findings and Purpose.**

I. The general court finds that a significant number of New Hampshire residents choose naturopathic medicine for their health care needs and declares that naturopathic medicine is a distinct health care profession that affects the public health, safety and welfare, and provides for freedom of choice in health care.

II. The purpose of this chapter is:

(a) To provide standards for the licensure and regulation of doctors of naturopathic medicine in order to protect the public health, safety and welfare.

(b) To insure that naturopathic medicine by qualified doctors of naturopathic medicine is available to the people of New Hampshire.

(c) To provide a means of identifying qualified doctors of naturopathic medicine.

328-E:2 Definitions. In this chapter:

I. "Acupuncture" means the insertion of acupuncture needles into specific points on the skin to treat human disease and impairment and to relieve pain.

II. "Approved naturopathic medical college" means a college or program granting the degree of doctor of naturopathic medicine or doctor of naturopathy that is approved by the board and which:

(a) Is accredited by the Council of Naturopathic Medical Education or other accrediting agency recognized by the federal government.

(b) Has candidate for accreditation status with such agency.

(c) Has been investigated by the board and found to meet education standards equivalent to those established by such agency.

III. "Board" means the naturopathic board of examiners established under RSA 328-E:7.

IV. "Doctor of naturopathic medicine" means a person authorized and licensed to practice naturopathic medicine under this chapter.

V. "Homeopathic preparations" means medicines prepared according to the Homeopathic Pharmacopoeia of the United States.

VI. "Minor office procedures" means care incident to superficial lacerations and abrasions, and the removal of foreign bodies located in superficial structures, not to include the eyes. It shall include the use of antiseptics in connection with such procedures but shall not include the alteration or removal of tissue.

VII. "Naturopathic childbirth" means natural childbirth which includes the use of natural obstetrical medicines, ophthalmic antibiotics, obstetrical emergency medicines and minor surgery including episiotomies, but which does not include the use of forceps delivery, general or spinal anesthesia, cesarean section, or induced abortions.

VIII. "Naturopathic manipulative therapy" means the manually administered, mechanical treatment of body structures or tissues, in accordance with naturopathic principles, for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body.

IX. "Naturopathic medicine" means a system of primary health care practiced by doctors of naturopathic medicine for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes.

X. "Naturopathic physical medicine" means the therapeutic use of the physical agents of air, water, heat, cold, sound, light, and electromagnetic non-ionizing radiation and the physical modalities of electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic manipulative therapy, and therapeutic exercise.

XI. "Topical medicines" means topical analgesics, anesthetics, antiseptics, scabicides, antifungals, and antibacterials.

328-E:3 License Required; Licensee Title.

I. No persons shall practice or represent themselves as practicing naturopathic medicine in this state without first applying for and receiving a license from the board to practice naturopathic medicine.

II. Licensees shall use the title "doctor of naturopathic medicine" and the recognized abbreviation "N.D." Doctors of naturopathic medicine shall have the exclusive right to use of the terms: "doctor of naturopathic medicine," "naturopathic doctor," "naturopath," "doctor of naturopathy," "naturopathic medicine," "naturopathic health care," "naturopathy," and "N.D."

III. Persons who represent themselves as doctors of naturopathic medicine are those who adopt or use any title or any description of services that uses one or more of the terms listed in paragraph II of this section.

328-E:4 Scope of Practice.

I. Doctors of naturopathic medicine shall be authorized to use for preventive and therapeutic purposes the following natural medicines and therapies: food, food extracts, vitamins, minerals, enzymes, digestive aids, whole gland thyroid, plant substances, all homeopathic preparations, topical medicines, counseling, hypnotherapy, biofeedback, dietary therapy, naturopathic physical medicine, therapeutic devices, and barrier devices for contraception.

II. Doctors of naturopathic medicine may use for diagnostic purposes physical and orifical examinations, X-rays, electrocardiograms, ultrasound, phlebotomy, clinical laboratory tests and examinations, and physiological function tests.

III. Doctors of naturopathic medicine may prescribe nonprescription medications and therapeutic devices or use noninvasive diagnostic procedures commonly used by medical practitioners in general practice.

IV. Doctors of naturopathic medicine shall not:

(a) Prescribe, dispense, or administer any legend or controlled substances as defined in RSA 318 and 318-B, except those natural medicines as authorized by this chapter.

(b) Perform surgical procedures.

(c) Practice emergency medicine, except as a good samaritan rendering gratuitous services in the case of emergency and except for the care of minor injuries.

(d) Practice or claim to practice medicine and surgery, osteopathy, dentistry, podiatry, optometry, chiropractic, physical therapy, or any other system or method of treatment not authorized in this chapter.

V. Doctors of naturopathic medicine with specialty certification in naturopathic childbirth pursuant to RSA 328-E:12 shall be authorized to use oxytocin and pitocin.

328-E:5 Exemptions.

I. Nothing in this chapter shall be construed to prohibit or to restrict:

(a) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state who are performing services within their authorized scope of practice.

(b) The practice of naturopathic medicine by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States.

(c) The practice by a doctor of naturopathic medicine duly registered or licensed in another state, territory, or the District of Columbia when incidentally called into this state for consultation with a licensed physician.

(d) The practice of naturopathic medicine by students enrolled in an approved naturopathic medical college. The performance of services shall be pursuant to a course of instruction or assignments from an instructor and under the supervision of the instructor. The instructor shall be a doctor of naturopathic medicine licensed pursuant to this chapter.

(e) Residents of this state who are of legal majority and who have held themselves out as a naturopath or a doctor of naturopathic medicine prior to July 1, 1991, from being licensed under this chapter if they:

(1) Are not licensed, certified, or registered as a health care provider under any other law of this state.

(2) Derive the majority of their earned income from the practice of naturopathic medicine in New Hampshire.

(3) Apply for a license in a manner prescribed by the board on or before March 1, 1995.

(f) The treatment of the sick or suffering by spiritual means through prayer alone in accordance with the tenets and practices of an established church or religious denomination.

II. Persons licensed pursuant to RSA 328-E:5, I(e) shall:

(a) Be subject to all eligibility requirements to practice naturopathic medicine pursuant to RSA 328-E:9, except that they shall be exempt from RSA 328-E:9, I(a).

(b) Practice naturopathic medicine within a scope of practice which reflects the limits of their training and experience as determined and approved by the board.

328-E:6 Public Health Authority and Responsibility. Doctors of naturopathic medicine shall have the same authority and responsibility as other medical practitioners regarding public health laws, reportable diseases and conditions, communicable disease control and prevention, recording of vital statistics, health and physical examinations, and local boards of health, except that such authority shall be limited to activity consistent with the scope of practice authorized by this chapter.

328-E:7 Naturopathic Board of Examiners.

I. There shall be a naturopathic board of examiners consisting of the following members:

(a) Four doctors of naturopathic medicine appointed by the governor, who shall be:

(1) Two persons who have been practitioners in this state for 3 years immediately preceding such appointment.

(2) A doctor of naturopathic medicine who has been engaged in the practice of naturopathic medicine in this state, under licensure issued in this state, for 3 years immediately preceding appointment, except for the initial period of 3 years following enactment of this chapter.

(3) A graduate of an approved naturopathic college.

(b) The director of the division of public health services, department of health and human services.

(c) One public member appointed by the governor, who shall:

(1) Be of legal age of majority.

(2) Be a resident of this state for 5 years immediately preceding such appointment.

(3) Not be connected, in any manner, with or have any interest in a school of medicine, health care institution or any person practicing any form of healing or treatment of bodily or mental ailments.

(4) Demonstrate an interest in the health problems in this state.

II. The terms of office shall be 5 years for all board members. The initial board appointees shall consist of one doctor of naturopathic medicine for a term of 5 years, one doctor of naturopathic medicine for a term of 4 years, one doctor of naturopathic medicine for a term of 3 years, one doctor of naturopathic medicine for a term of 2 years, and one public member for a term of 5 years. A member may be removed from office by the governor if the governor finds the member was guilty of malfeasance, misfeasance or dishonorable conduct.

III. There shall be no monetary liability on the part of and no cause of action shall arise against the members of the board, or personnel of the board, for any act done or proceeding undertaken or performed in good faith and in furtherance of the purposes of this chapter.

IV. The board shall hold a meeting at least semi-annually. In addition, the board may hold special meetings as it deems necessary.

V. Four members of the board constitute a quorum for the transaction of business.

VI. The board shall serve without pay.

VII. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

328-E:8 Powers and Duties of the Board.

I. The board shall:

(a) Determine fees for licensure, for application to take the examination pursuant to RSA 328-E:9, I(f) and RSA 332-G:2, and for license renewal under RSA 328-E:13.

(b) Insure that doctors of naturopathic medicine serving the public meet minimum standards of proficiency and competency to protect the health, safety and welfare of the public.

(c) Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the board under the authority granted in this chapter.

(d) Maintain an accurate account of all receipts, expenditures and refunds granted under this chapter.

(e) Maintain a record of its acts and proceedings, including the issuance, refusal, renewal, suspension or revocation of licenses.

(f) Maintain a roster of all doctors of naturopathic medicine licensed under this chapter which indicates:

- (1) The name of the licensee.
- (2) Current professional office address.
- (3) The date of issuance and the number of the licensee's license.
- (4) Whether the licensee is in good standing.
- (g) Keep all applications for licensure as a permanent record.
- (h) Maintain a permanent record of the results of all examinations

it gives.

(i) Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations.

(j) Keep the records of the board open to public inspection at all reasonable times.

(k) Adopt and use a seal, the imprint of which, together with the signatures of the chairman or vice-chairman and the secretary-treasurer of the board, shall evidence its official acts.

(l) Annually compile and publish a directory.

II. The board may appoint qualified personnel to administer any part or all of any examination provided for under this chapter.

III. The board shall have the power to subpoena witnesses and administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of papers and records.

IV. Witnesses summoned before the board shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons shall have the same effect as though issued for appearance before such court.

328-E:9 Qualification for Licensure.

I. To be eligible for a license to practice naturopathic medicine, the applicant shall:

(a) Be a graduate of a naturopathic medical college which is accredited by the Council on Naturopathic Medical Education or another such accrediting agency recognized by the federal government; and pass a competency-based examination prescribed by the board covering the appropriate naturopathic subjects; or,

(b) Be a graduate of a naturopathic medical college which has been approved by the board as having appropriate education standards for naturopathic medical programs which granted degrees prior to 1981.

(c) Possess a good moral and professional reputation.

(d) Be physically and mentally fit to practice naturopathic medicine.

(e) Have had no license, certification, or registration to practice naturopathic medicine refused, revoked or suspended by any other state or country for reasons which relate to the applicant's ability to skillfully and safely practice naturopathic medicine.

(f) File an application and pay the license fees.

II. To obtain a license to practice naturopathic medicine by reciprocity, the applicant shall:

(a) Qualify under paragraph I, except that no written examination shall be required.

(b) Be licensed, certified, or registered by another state or the District of Columbia to practice naturopathic medicine which requires a written examination which is substantially equivalent to the written examination required by the board of this state.

328-E:10 Rulemaking.

I. The board shall adopt rules under RSA 541-A relative to:

(a) The practice of naturopathic health care.

(b) Naturopathic assistants who assist doctors of naturopathic medicine, including the qualifications of naturopathic assistants who are not otherwise licensed by law.

(c) Further requirements, as necessary, of doctors of naturopathic medicine for specialty practice, as required under RSA328-E:11.

(d) The formulary approved by the council on doctors of naturopathic medicine formulary under RSA 328-E:16, III.

(e) Any other rules which are necessary or proper for the administration of this chapter.

II. The board shall adopt rules under RSA 541-A prescribing continuing education requirements for the renewal of licenses issued under this chapter.

328-E:11 Copies of Proposed Rules for Commissioner; Rulemaking to be Consistent with Statutory Authority.

I. At the same time the board files the text of a proposed rule with the director of legislative services under RSA 541-A:3-a, VII, the board shall provide the commissioner of the department of health and human services with a copy of the text of the proposed rule. The commissioner shall monitor the rulemaking activity of the board under RSA 328-E:10 to ensure that all rules are:

(a) Consistent with the provisions of RSA 541-A;

(b) Consistent with the specific statutory authority under which they are adopted;

(c) Consistent with other statutes; and

(d) Consistent with rules adopted by any other board, commission, or agency.

II. If the commissioner determines that a rule proposed for adoption is not consistent with the criteria established in paragraph I of this section, the commissioner shall notify the board in writing. If the board does not take corrective action, the commissioner shall notify in writing the joint committee on administrative rules, the senate executive departments committee, and the house executive departments and administrative committee for further corrective oversight action.

328-E:12 Naturopathic Childbirth or Acupuncture Specialty Certification.

I. No doctor of naturopathic medicine shall practice naturopathic childbirth or acupuncture without first obtaining a certificate of specialty practice. The board shall adopt rules under RSA 541-A for the certification of doctors of naturopathic medicine for specialty practice.

II. To be certified in naturopathic childbirth, a doctor of naturopathic medicine shall be required to:

(a) Pass a specialty examination in obstetrics or natural childbirth approved by the board.

(b) Have at least 100 hours of course work, internship or preceptorship in obstetrics or natural childbirth approved by the board.

(c) Have participated in 40 supervised births, including prenatal and postnatal care, under the direct supervision of a licensed naturopathic, medical or osteopathic physician with specialty training in obstetrics or natural childbirth. The board may prescribe a national standardized examination in naturopathic childbirth as constituting the specialty examination.

(d) Meet the American College of Naturopath Obstetricians (ACNO) standards for childbirth.

III. To be certified in acupuncture, a doctor of naturopathic medicine shall be required to complete a program in acupuncture approved by the board that includes at least 500 hours of training in acupuncture, including both didactic and clinical training, and pass a specialty examination in acupuncture approved by the board. The board may prescribe a national standardized examination in acupuncture as constituting the specialty examination.

328-E:13 License Renewal and Continuing Education.

I. The license to practice naturopathic medicine shall be renewed biennially. A fee in the amount determined by the board shall accompany the application for renewal.

II. As a condition of renewal of license, the board shall require each licensee to show proof at least every 3 years that the licensee has completed an approved continuing naturopathic medical education program within the preceding 3 years. For the purposes of this section an "approved continuing naturopathic medical education program" means a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national or state naturopathic medical society or college or university and approved by the board.

328-E:14 Enforcement and Penalties.

I. Whoever, not being licensed as provided in this chapter, shall advertise oneself or in any way hold oneself out as qualified to practice naturopathy, or shall practice naturopathy, or whoever does so after receiving notice that one's license has been revoked, and whoever, being licensed as provided in this chapter, shall advertise or call oneself or allow oneself to be advertised or called a physician or a doctor, or use any physician's or doctor's insignia as such, except "Doctor (name of naturopath), naturopath," or (name) "doctor of naturopathy", or (name) "naturopathic doctor," or (name) "doctor of naturopathic medicine," shall be guilty of a misdemeanor and, upon conviction, shall, if licensed, have such license revoked.

II. Persons licensed pursuant to this chapter who engage in the practice of naturopathic medicine without complying with this chapter shall be subject to disciplinary measures and may be subject to refused renewal, limitation, revocation, or suspension of their license.

328-E:15 Administration. The director, division of public health services, department of health and human services, shall provide administrative services to the board created under this chapter. All administrative services shall be a cost to the board and shall be reimbursed by fees collected by the board under RSA 328-E:8, I(a).

328-E:16 Council on Doctors of Naturopathic Medicine Formulary; Members; Duties.

I. The council on doctors of naturopathic medicine formulary is established and shall consist of the following members:

(a) One member of the naturopathic board of examiners, appointed by the naturopathic board of examiners.

(b) One doctor licensed by the naturopathic board of examiners, appointed by the naturopathic board of examiners.

(c) One physician licensed by the board of registration in medicine under RSA 329, appointed by the board of registration in medicine.

(d) One pharmacist licensed by the state pharmacy board, appointed by the state pharmacy board.

(e) One additional member, who holds an advanced degree in either pharmacology or pharmacognosy, appointed by the council.

II. The chair of the council shall be elected by a majority of the council members.

III. The council established under paragraph I of this section shall determine the substances to be included in the formulary that may be prescribed by a doctor of naturopathic medicine acting under this chapter. The council shall review the formulary periodically. Immediately upon adoption or revision of the formulary, the council shall transmit the approved formulary to the board which shall adopt the formulary by rule. When determined

to be appropriate to the scope of practice of doctors of naturopathic medicine the council on doctors of naturopathic medicine formulary may also consider synthetically-produced substances and their salts having an identical or substantially identical molecular structure to a plant or animal substance as found in nature to be plant or animal substances.

IV. The term of each member of the council shall be 2 years. A member shall serve until a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as the retiring member.

328-E:17 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 Repeal. RSA 328-E:7, I(b) relative to the membership of the director of public health services on the naturopathic board of examiners, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 1998.

II. The remainder of this act shall take effect January 1, 1995.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18

Sen. McLane, Dist. 15

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. R. Foster, Carr. 10

Rep. Ziegra, Belk. 5

Rep. K. Ward, Graf. 1

Rep. K. Wheeler, Straf. 8

SENATOR PODLES: Senator King, am I to understand that the midwifery which is already licensed by midwives and naturopathic doctors, will be doing that if they pass a specialty examination which is approved by the board, and the board is the naturopathic doctors themselves? Did I make myself clear?

SENATOR J. KING: In other words, you're saying that if you practice midwifery that you would have to go along with the naturopathic, yes, I think that is what it is.

SENATOR PODLES: Do I understand correctly, that they do not have to be licensed like the midwives, and that all that they have to do is pass a specialty examination in obstetrics which is approved by that board?

SENATOR JOHN KING: That is the way it stands right now, yes.

SENATOR PODLES: Also, they will be able to authorize to use labor induced drugs, which is oxytocin and pitocin on page 5, section 5.

SENATOR J. KING: They changed that, Senator Podles. It only allows the use of oxytocin and pitocin for naturopathic special certification in naturopathic childbirth, rather than for all. There can't be a specialty in that one area, they take those two out.

SENATOR PODLES: Senator, that specialty is only if they have to pass obstetrical emergency, which is approved by the board. That board is naturopathic doctors. They shouldn't be doctors they should be practitioners actually, but they are called doctors in this bill.

SENATOR J. KING: They are allowed to be called doctors, not physicians.

SENATOR PODLES: I think the most important part that I would like to question is on page nine. The repeal. As I understand it, the member on the board is going to be a director of the Public Health Services. In 1998 that is going to be repealed, could you please tell me why?

SENATOR J. KING: They just want to make sure as they get started that they do it in the right manner, and they will have the assistance of the director of Public Health to assist with them and work with them, and by that time, there might be more naturopathics that will get involved in it and look at it in a different way. It is for protection. It will be considered then, and if it shouldn't be, hopefully, I don't plan on being around here by then, five years from now. But we can also not contest it.

SENATOR PODLES: Would you believe, Senator, this is a very bad bill? It is so broad. You are giving them all kinds of things to do? They are going to be doing everything and they do not have to go to medical school.

SENATOR J. KING: They are more consistent than I am in some of the cases, Senator Podles.

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

Senator Lamirande and Senator Wheeler in opposition to HB 451.

6597B

COMMITTEE OF CONFERENCE REPORT ON HB 639-FN-A

The committee of conference to which was referred House Bill 639-FN-A, An Act establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 205-A:25, I and II as inserted by section 1 of the bill by replacing them with the following:

I. There is hereby created a board of manufactured housing consisting of 9 members. The members of the board shall be:

(a) Two public members, appointed by the governor.

(b) One member appointed by the governor, from a list of 2 persons nominated by the New Hampshire Manufactured Housing Association.

(c) One member appointed by the governor, from a list of 2 persons nominated by the New England Manufactured Housing Association.

(d) One member appointed by the governor, from a list of 2 persons nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

(e) One member appointed by the governor who is a resident of a manufactured housing park who is not a member of the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

(f) One member of the New Hampshire Bar Association, appointed by the president of such association.

(g) Two members of the house of representatives, appointed by the speaker of the house.

II. Except for the legislative members, each person shall serve for a 3-year term and until a successor is appointed and qualified, provided, however, that the initial appointments shall be as follows: the 2 public members shall be appointed to 3-year terms, the resident of a manufactured housing park shall serve a 2-year term and the members from the housing associations, the tenants association and the bar association shall serve one-year terms. The legislative members shall serve terms which are coterminous to their terms in the general court.

Amend RSA 205-A:26 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. The legislative members of the board shall receive legislative mileage. The remaining members shall receive mileage at the state employee rate.

*Conferees on the Part
of the Senate*
Sen. Currier, Dist. 7
Sen. Bourque, Dist. 20
Sen. J. King, Dist. 18

*Conferees on the Part
of the House*
Rep. B. Gage, Rock. 26
Rep. R. Hill, Graf. 1
Rep. K. Ward, Graf. 1
Rep. Newland, Merr. 15

SENATOR COLANTUONO: This conference report appears on page 10. At the bottom of the page, you will notice that two members of the House of Representatives appointed by the Speaker have been added to the Manufactured Housing Board. We took out the legislative members when the bill came to the Senate. We did it for a very good reason. We did it because this is a board that will be hearing cases, almost like the Board of Tax and Land Appeals. This is a crosseyed judicial board that is going to be meeting and listening to witnesses and so forth. We thought that having legislative members was a serious problem, not only of separation of powers, legislative members should not be on crosseyed judicial boards. We thought it was a practicality problem. Legislative members are busy enough doing their jobs, they should not be tied down over in a building listening to mobile home cases all day. We thought that there would be potential conflicts if a case involved your own district. How would you decide between the owner and the tenants and so forth? So we took out the Senate and the House members, and we thought that was a good position. Now we have the worst of both worlds. We have the House members in there but no Senate members involved. So I don't see how we can pass this bill like this. I think that if we do, we are putting the whole idea of a Manufactured Housing Board in jeopardy. The first park owner who gets hauled before it and gets a bad decision is going to take the matter to the Supreme Court on whether this is a separation of powers problem. Then they are going to try to strike down the whole statute. So this is another one I think we should try to vote down and send it to a Committee of Conference.

SENATOR CURRIER: I concur with Senator Colantuono's comments, relative to the Senate's position on this bill; however, when the conferees met, the House was adamant about having representation on this crosseyed judicial board. Basically, the Senate conferees said sure you can have your conferees but don't put any Senate members on it. So if that in fact, made the bill worse, then the Senate conferees apologize to the Senate for that. We felt that it was important not to lose this entire piece of legislation because it's something that has been asked for for a number of years, and it has been in a number of different forms in the past few years. This is the furthest it has been, and this board is important to people who live in mobile home parks, in terms of having a mechanism to go before for some of the serious problems that do arise in those situations. We thought that in terms of salvaging the bill, that this was the answer that we had. I would prefer to go on with this and see how it works with only House members, and then in future legislation, take them off if, in fact, it does not work. And if the Senate feels strongly enough about putting their own membership on there they could do that at an additional point. We did not want to lose the whole bill for the purpose of the House's attitude on House

membership on the committee. They feel very strongly that the House membership should be involved in this. I did not get into the specific questions of why, but it was quite obvious, that the four members, Representative Gage, Hill, Ward, Newland, were very adamant about House representation.

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

Senator Wheeler in opposition to HB 639-FN-A.

6629B

COMMITTEE OF CONFERENCE REPORT ON HB 656-FN

The committee of conference to which was referred House Bill 656-FN, An Act to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991 having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Eligibility for Medical Benefits; Group II Members. Amend RSA100-A:52, I(a) to read as follows:

(a) Any person retired as a group II member of the New Hampshire retirement system on service or disability retirement, provided that such person shall be entitled to retirement on the basis of group II creditable service without including any credit for service as a group I member of the retirement system, *or any person retired on or before July 1, 1991, as a group I member whose service retirement benefit is based upon the provisions of RSA 100-A:19-c and who has a minimum of 10 years of creditable service as a group II member.*

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10
Sen. MacDonald, Dist. 3
Sen. Shaheen, Dist. 21

*Conferees on the Part
of the House*

Rep. K. Ward, Graf. 1
Rep. Dyer, Hills. 8
Rep. Holbrook, Belk. 7
Rep. McGrath, Straf. 19

AMENDED ANALYSIS

This bill extends medical benefits under RSA 100-A:52 to group II permanent policemen members on disability retirement as a result of injuries suffered while in the performance of duty who became permanent policemen members of the New Hampshire retirement system after June 30, 1988, but before July 1, 1991. The bill provides a method of financing the medical benefits for these group II members.

This bill also allows a person who retired on or before July 1, 1991, as a group I member on a split-benefit retirement allowance and who has a minimum of 10 years of creditable service as a group II member of the New Hampshire retirement system to receive medical and surgical benefits paid for by the retirement system.

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

6517B

COMMITTEE OF CONFERENCE REPORT ON HB 661-FN-A

The committee of conference to which was referred House Bill 661-FN-A, An Act relative to the highway and bridge betterment program having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Railroad Overpass Study.

I. There is created a committee to study the dangerous and inadequate railroad overpass on NH 135 near the John's River in Dalton, New Hampshire. The committee shall consist of the following members:

(a) Two members of the senate, one of whom shall be a member of the transportation committee and one of whom shall be from Coos county, appointed by the senate president.

(b) Two members of the house, one of whom shall be a member of the public works committee and one of whom shall be from Coos county, appointed by the speaker of the house.

(c) The commissioner of the department of transportation, or designee.

(d) One selectman from the town of Dalton or designee, appointed by the board of selectmen.

(e) One representative from the Maine Central Railroad Company, appointed by the company.

(f) The executive director of the North Country Council, or designee, who shall be a nonvoting member.

II. The senate member from the transportation committee shall call the first meeting within 30 days of the effective date of this act. Legislative members shall receive mileage at the legislative rate.

III. Report. The committee shall submit a report of its findings and recommendations, including proposed legislation, to the governor, the senate president, and the speaker of the house on or before November 1, 1994.

4 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. MacDonald, Dist. 3
Sen. Cohen, Dist. 24
Sen. Lamirande, Dist. 1

*Conferees on the Part
of the House*

Rep. J. Chandler, Merr. 1
Rep. Pfaff, Merr. 1
Rep. McCarty, Hills. 38
Rep. Cloutier, Sull. 8

AMENDED ANALYSIS

This bill modifies the purpose of the highway and bridge betterment program and requires the betterment report prepared annually by the commissioner of transportation to use quantitative measures.

This bill also establishes a committee to examine the problems of a railroad overpass on NH 135 near the John's River in Dalton, New Hampshire. Senator MacDonald moved to adopt the Committee of Conference Report.

Adopted.

6565B

COMMITTEE OF CONFERENCE REPORT ON HB 1120-LOCAL

The committee of conference to which was referred House Bill 1120-LOCAL, An Act making procedural and housekeeping changes regarding the board of tax and land appeals having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Equalized Valuation; Time Period for Appeal. Amend RSA 71-B:5, II to read as follows:

II. To hear and determine any appeals relating to the equalization of valuation performed by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII. ***Any town aggrieved by an equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within 30 days of the town's notification of the equalized valuation by the commissioner.***

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7
Sen. Blaisdell, Dist. 10
Sen. Bourque, Dist. 20

*Conferees on the Part
of the House*

Rep. Wadsworth, Graf. 14
Rep. Golden, Belk. 5
Rep. Chester, Rock. 20
Rep. P. Bradley, Coos 6

AMENDED ANALYSIS

This bill:

(1) Authorizes the board of tax and land appeals to establish a small claims procedure as an alternative to full hearings for property tax appeals.

(2) Establishes a time period for the filing of an appeal by a town of its equalized valuation as determined by the commissioner of revenue administration.

(3) Allows members of the board of tax and land appeals to have employment other than their employment by the board if such employment is not in conflict with their duties as members of the board.

(4) Clarifies the wording of a statute regarding responses to appeals of reassessments by large municipalities.

(5) Extends the time period for filing an abatement appeal for certain municipalities.

(6) Permits nonattorneys to represent taxpayers in RSA 76:16 and RSA 76:16-a appeals until July 1, 1995.

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

6548B

COMMITTEE OF CONFERENCE REPORT ON HB 1135

The committee of conference to which was referred House Bill 1135, An Act relative to a judicial council study of family matters within the state court system having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 358:11, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) The director of the division for children and youth services, or designee.

Amend 1993, 358:11 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph and renumbering the original paragraphs III and IV to read as IV and V, respectively:

III. Legislative members of the committee shall receive mileage at the legislative rate.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Hollingworth, Dist. 23
Sen. Baldizar, Dist. 12

*Conferees on the Part
of the House*

Rep. E. Moore, Hills. 6
Rep. Lockwood, Merr. 9
Rep. Wall, Straf. 9
Rep. Woods, Rock. 25

Senator Podles moved to adopt the Committee of Conference Report.

Adopted.

6537B

COMMITTEE OF CONFERENCE REPORT ON HB 1144-FN

The committee of conference to which was referred House Bill 1144-FN, An Act permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 New Section; Special Deer Permit. Amend RSA 208 by inserting after section 5-a the following new section:

208:5-b Special Deer Permit. The executive director may issue a special deer permit to a licensee licensed under RSA 214:9, 208:5, or 205:5-a. Such special deer permit shall allow the taking of additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for a special deer permit.

*Conferees on the Part
of the Senate*

Sen. Cohen, Dist. 24
Sen. Roberge, Dist. 9
Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. Drake, Rock. 24
Rep. Coulombe, Coos 7
Rep. Lachut, Hills. 2
Rep. Linda Smith, Belk. 5

AMENDED ANALYSIS

This bill permits the executive director of fish and game to issue a special deer permit to allow the taking of additional deer, including setting the permit fee.

This bill is a request of the department of fish and game.

Senator Cohen moved to adopt the Committee of Conference Report.

Adopted.

6464B

COMMITTEE OF CONFERENCE REPORT ON HB 1171

The committee of conference to which was referred House Bill 1171, An Act relative to the qualifications for the position of administrator of the sub-surface systems bureau, division of water supply and pollution control, department of environmental services having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Rules Prepared Under Supervision of Professional Engineer Required. Amend RSA 485-A:35, II to read as follows:

II. Any person who desires to submit plans and specifications for a sewage or waste disposal system for his own domicile shall not be required to obtain a permit under this paragraph provided that he attests to his eligibility for this exemption in the application for construction approval. The division [may] *shall* adopt rules, ***prepared under the supervision of a professional engineer licensed to practice engineering in the state of New Hampshire***, pursuant to RSA 541-A, relative to requiring a permit holder to be a [registered] ***licensed*** professional engineer with a civil or sanitary designation in order to submit applications for construction approval in certain complex situations. All fees collected pursuant to this paragraph shall be deposited with the state treasurer as unrestricted revenue.

*Conferees on the Part
of the Senate*

Sen. Fraser, Dist. 4
Sen. MacDonald, Dist. 3
Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2
Rep. Kirby, Hills. 24
Rep. Whalley, Merr. 5
Rep. Merritt, Straf. 8

Senator Fraser moved to adopt the Committee of Conference Report.

Adopted.

6521B

COMMITTEE OF CONFERENCE REPORT ON HB 1180

The committee of conference to which was referred House Bill 1180, An Act modifying the arson statutes to include historic structures and increasing the penalty having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 634:1, II as inserted by section 1 of the bill by replacing it with the following:

II. Arson is a class A felony if the property damaged is:

(a) An occupied structure and the actor knew it was an occupied structure; *or*

(b) ***An historic structure.***

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
 Sen. Colantuono, Dist. 14
 Sen. Baldizar, Dist. 12

*Conferees on the Part
of the House*

Rep. C. William Johnson, Merr. 7
 Rep. Metzger, Ches. 13
 Rep. V. Clark, Rock. 15
 Rep. Knowles, Straf. 11

Senator Podles moved to adopt the Committee of Conference Report.

Adopted.

6589B

COMMITTEE OF CONFERENCE REPORT ON HB 1185-FN

The committee of conference to which was referred House Bill 1185, An Act relative to fees charged for the registration of private pesticide applicators having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Russman, Dist. 19
 Sen. Pignatelli, Dist. 13
 Sen. Lamirande, Dist. 1

*Conferees on the Part
of the House*

Rep. Scanlan, Graf. 11
 Rep. J. Bradley, Carr. 8
 Rep. Trelfa, Graf. 2
 Rep. Coes, Rock. 19

Senator Russman moved to adopt the Committee of Conference Report.

Adopted.

6581B

COMMITTEE OF CONFERENCE REPORT ON HB 1193

The committee of conference to which was referred House Bill 1193, An Act amending the charter of St. Mary's Bank having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Fraser, Dist. 4
 Sen. Barnes, Dist. 17
 Sen. Baldizar, Dist. 12

*Conferees on the Part
of the House*

Rep. B. Packard, Hills. 19
 Rep. Lindblade, Sull. 7
 Rep. Mercer, Hills. 27
 Rep. Crory, Graf. 10

Senator Fraser moved to adopt the Committee of Conference Report.

Adopted.

6590B

COMMITTEE OF CONFERENCE REPORT ON HB 1194-FN

The committee of conference to which was referred House Bill 1194-FN, An Act relative to the board of accountancy and related professional fees having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 309-B:4, VIII(a) as inserted by section 2 of the bill by replacing it with the following:

(a) In auditing the books and accounts of nongovernmental entities in 3 or more distinct lines of commercial or industrial business in accordance with generally accepted auditing standards; or

Amend RSA 309-B:8, I as inserted by section 2 of the bill by replacing it with the following:

I. In any case where probable cause with respect to a violation by a licensee has been determined by the board, whether following an investigation under RSA 309-B:7, or upon receipt of a written complaint furnishing grounds for a determination of such probable cause, or upon receipt of notice of a decision by the board of accountancy or similar agency of another state furnishing such grounds, the board shall issue a complaint setting forth appropriate charges and set a date for a disciplinary hearing before the board on such charges. The board shall, not less than 30 days prior to the date of such hearing, serve a copy of the complaint and notice of the time and place of the hearing upon the licensee, together with a copy of the board's rules governing proceedings under this section, either by personal delivery or by mailing a copy by certified mail return receipt requested to the licensee at the last known address.

Amend RSA 309-B:10, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. No firm shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," or any other title or designation likely to be confused with the titles "certified public accountant" or "public accountant," or use any abbreviation likely to be confused with the abbreviations "CPA" or "PA," unless all partners, officers and shareholders of the firm hold valid permits under RSA309-B:5. This prohibition shall not apply to a holder of a certificate who does not also hold a permit, and such individual may use the titles pertaining to such certificate in any manner not prohibited by rules adopted by the board under RSA 309-B:3, VIII.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7
Sen. J. King, Dist. 18
Sen. Lovejoy, Dist. 6

*Conferees on the Part
of the House*

Rep. Fillion, Merr. 17
Rep. J. Sytek, Rock. 26
Rep. Gosselin, Hills. 45
Rep. K. Ward, Graf. 1

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

6588B

**COMMITTEE OF CONFERENCE REPORT
ON HB 1217-FN-LOCAL**

The committee of conference to which was referred House Bill 1217-FN-LOCAL, An Act relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

*Conferees on the Part
of the Senate*

Sen. MacDonald, Dist. 3

Sen. Shaheen, Dist. 21

Sen. Bourque, Dist. 20

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1

Rep. Pfaff, Merr. 11

Rep. McCarty, Hills. 38

Rep. Ahern, Hills. 38

Senator MacDonald moved to adopt the Committee of Conference Report.

Adopted.

6518B

COMMITTEE OF CONFERENCE REPORT ON HB 1231

The committee of conference to which was referred House Bill 1231, An Act requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 4:9-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be a memorial to commemorate the New Hampshire law enforcement community. Notwithstanding any other provision of law to the contrary, the memorial shall be situated on the southeast corner on the front grounds connected with the legislative office building. The governor is authorized to accept in the name of the state the law enforcement memorial as a private gift upon its completion.

Amend RSA 4:9-b, I as inserted by section 1 of the bill by replacing it with the following:

I. A committee is established to select the design for a law enforcement memorial, to oversee the construction of the memorial, to privately raise all the funds which shall be necessary for its construction, and to expend the funds which are raised. The governor is authorized to accept for the committee, in the name of the state, the gifts of money which are donated to construct the memorial.

Amend RSA 4:9-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The committee shall remain in existence upon the completion of the law enforcement memorial for the purpose of approving any changes in the memorial, such as the addition of names to the memorial. Any site changes in the memorial shall be made under the supervision of the director of the division of plan and property management, according to the provisions of RSA 4:9-a, II.

Amend RSA 4:9-c as inserted by section 1 of the bill by replacing it with the following:

4:9-c Committee Membership.

I. The members of the committee established in RSA 4:9-b of this act shall be as follows:

(a) One member appointed by the New Hampshire Association of Chiefs of Police.

(b) One member appointed by the New Hampshire Police Association.

(c) One member appointed by the New Hampshire Sheriffs' Association.

(d) One member appointed by the New Hampshire State Troopers Association.

(e) One member appointed by the 100 Club of New Hampshire, Incorporated.

(f) The executive director of the fish and game department, or designee.

(g) The commissioner of safety, or designee.

(h) The attorney general, or designee.

(i) The commissioner of cultural affairs, or designee.

(j) The commissioner of administrative services, or designee.

(k) One member appointed by the governor, who shall be a member of a family of a law enforcement officer killed in the line of duty.

II. The members of the committee shall elect a chairperson from among its members. The first meeting of the committee shall be called by the attorney general. Six members of the committee shall constitute a quorum.

Conferees on the Part of the Senate

Sen. Barnes, Dist. 17

Sen. J. King, Dist. 18

Sen. MacDonald, Dist. 3

Conferees on the Part of the House

Rep. G. Chandler, Carr. 1

Rep. Keans, Straf. 16

Rep. K. Rogers, Merr. 22

Rep. Peyron, Sull. 4

AMENDED ANALYSIS

This bill provides that there shall be a memorial to commemorate the New Hampshire law enforcement community, which shall be situated on the southeast corner on the front grounds connected with the legislative office building.

The bill establishes a committee to select the design for the law enforcement memorial and to oversee its construction. The award of the contract for the construction of the law enforcement memorial shall be subject to the approval of governor and council.

All the money necessary for the planning, design, and construction of the memorial is to be privately raised, through the efforts of the law enforcement community. The moneys are placed in a special nonlapsing account in the state treasury.

The committee must select the design for the memorial no later than July 1, 1995. At that time, it shall also issue a proposed timetable for the construction phase of the law enforcement memorial.

Senator Barnes moved to adopt the Committee of Conference Report.

Adopted.

6567B

COMMITTEE OF CONFERENCE REPORT ON HB 1237

The committee of conference to which was referred House Bill 1237, An Act making interference with the duty of a probation or parole officer a crime having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 188-F:26, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Certify persons as being qualified under the provisions of this subdivision to be police officers [or], state corrections officers[,] **or state probation-parole officers**, and establish rules under RSA 541-A for the suspension or revocation of the certification of such persons in the case of egregious misconduct or failure to comply with council standards[, provided that nothing in this subdivision shall be construed to place in the group II retirement system any individual not already eligible for membership under existing state law].

Amend the introductory paragraph of RSA 100-A:1, VII(e) as inserted by section 6 of the bill by replacing it with the following:

(e) A probation-parole officer employed full time in the division of field services of the department of corrections pursuant to RSA 504-A who:

Amend the bill by replacing all after section 6 with the following:

7 Commissioner of Corrections; Duty Added. RSA 21-H:8, VIII is repealed and reenacted to read as follows:

VIII. The commissioner shall appoint probation-parole officers as provided in RSA 504-A:8 through RSA 504-A:12-b.

8 Probation or Parole Officers; Duty Added. Amend RSA 504-A:12 by inserting after paragraph VI the following new paragraphs:

VII. To enforce the criminal laws, including the power of arrest; provided that this authority shall be limited to times when such officers:

(a) Are transporting a probationer or parolee.

(b) Are attempting to apprehend or arrest a probationer or parolee under any of the powers granted under this chapter.

VIII. To carry firearms, subject to written procedures adopted by the commissioner.

9 New Sections; Probation-Parole Officers; Interference with Duty; Qualification. Amend RSA 504-A by inserting after section 12 the following new sections:

504-A:12-a Interference with the Duty of Probation-Parole Officers; Penalty. Any person who obstructs, intimidates, or interferes with a probation or parole officer in the performance of such officer's duties shall be guilty of obstructing government administration under RSA 642:1.

504-A:12-b Qualification and Certification of Probation or Parole Officers. Every probation-parole officer shall meet the educational and training standards for employment as probation-parole officer as established by the police standards and training council under RSA 188-F:26, and shall be certified by the council as being qualified to be a probation-parole officer.

10 Certification. Notwithstanding the provisions of RSA 541-A, the police standards and training council may certify all probation-parole officers presently certified by the commissioner of corrections and employed by the department of corrections as of July 1, 1994, who meet the qualifications established by the council.

11 Legislative Intent. It is the intent of the legislature that qualified state probation-parole officers who have assigned case loads should be members of group II of the retirement system.

12 Application. Every state probation-parole officer who is employed as such on July 1, 1994, and who is qualified for membership in group II of the New Hampshire retirement system under the provisions of law as

amended by this act, shall be transferred to group II as of the first day of the month following certification by the police standards and training council, and upon retirement shall be eligible for split benefits under RSA100-A:19-a - RSA 100-A:19-h.

13 Effective Date.

I. RSA 504-A:12-a as inserted by section 9 of this act shall take effect January 1, 1995.

II. The remainder of this act shall take effect July 1, 1994.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. Blaisdell, Dist. 10
Sen. Colantuono, Dist. 14

*Conferees on the Part
of the House*

Rep. R. Campbell, Belk. 4
Rep. D. Sytek, Rock. 26
Rep. Knowles, Straf. 11
Rep. K. Ward, Graf. 1

AMENDED ANALYSIS

This bill adds state probation-parole officers to the definition of "permanent policeman" for the purposes of group II membership in the New Hampshire retirement system.

This bill requires that probation-parole officers be certified and authorizes the police standards and training council to certify them.

This bill also makes interference with the duty of a probation or parole officer a crime.

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6615B

COMMITTEE OF CONFERENCE REPORT ON HB 1245

The committee of conference to which was referred House Bill 1245, An Act requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Hollingworth, Dist. 23
Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. R. Kelley, Hills. 18
Rep. Horton, Coos 3
Rep. Reidy, Hills. 46
Rep. A Torr, Straf. 12

Senator McLane moved to adopt the Committee of Conference Report.

Adopted.

6603B

COMMITTEE OF CONFERENCE REPORT

ON HB 1260-FN-LOCAL

The committee of conference to which was referred House Bill 1260-FN-LOCAL, An Act establishing a task force to study public education issues having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. The speaker of the house of representatives or designee.

Amend paragraphs VIII and IX of section 3 of the bill by replacing them with the following:

VIII. Three senators, one of whom shall be the chairperson of the finance executive committee and 2 of whom shall be appointed by the senate president.

IX. The chairpersons of the appropriations, ways and means, and education committees of the house.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Blaisdell, Dist. 10
Sen. Hough, Dist. 5

*Conferees on the Part
of the House*

Rep. Cowenhoven, Hills. 14
Rep. Nichols, Merr. 2
Rep. Trelfa, Graf. 2
Rep. J. Johnson, Merr. 8

Senator McLane moved to adopt the Committee of Conference Report.

Adopted.

6563B

COMMITTEE OF CONFERENCE REPORT

ON HB 1268-FN-A-LOCAL

The committee of conference to which was referred House Bill 1268-FN-A-LOCAL, An Act requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Effective Date. This act shall take effect July 1, 1994.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7
Sen. W. King, Dist. 2
Sen. MacDonald, Dist. 3

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1
Rep. J. Chandler, Merr. 1
Rep. Pfaff, Merr. 11
Rep. Sullivan, Straf. 3

AMENDED ANALYSIS

This bill appropriates funds for the purpose of adding traffic signals and making improvements to certain portions of United States Route 3. The appropriation shall be reduced by certain federal funds made available for this project.

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

6532B

COMMITTEE OF CONFERENCE REPORT ON HB 1282

The committee of conference to which was referred House Bill 1282, An Act allowing coyote hunting at night having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 208:1-e as inserted by section 2 of the bill by replacing it with the following:

208:1-e Coyote Hunting at Night. No person shall hunt or take any coyote between the hours of 1/2 hour after sunset and 1/2 hour before sunrise, except by trap in accordance with the provisions of this title, without first obtaining a valid license for such activities from the department of fish and game. The executive director of fish and game, with the consent of the commission, shall establish, by rules adopted under RSA541-A, a night hunting season for coyote. Such rules shall include, but not be limited to, the method and manner of taking, reporting requirements, length of the season and requirements for landowner permission. Coyote may be taken from baited areas pursuant to RSA 207:3-d.

*Conferees on the Part
of the Senate*

Sen. Cohen, Dist. 24
Sen. Blaisdell, Dist. 10
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Lachut, Hills. 2
Rep. Schanda, Rock. 19
Rep. Linda Smith, Belk. 5
Rep. Felch, Rock. 21

Senator Cohen moved to adopt the Committee of Conference Report.

Adopted.

6553B

COMMITTEE OF CONFERENCE REPORT ON HB 1283

The committee of conference to which was referred House Bill 1283, An Act relative to transporting loads on highways and establishing fines having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Scrap Metal. Amend RSA 266:72 by inserting after paragraph II the following new paragraph:

II-a. No person shall operate on any way any open vehicle loaded with scrap metal, unless the load is covered with and secured by a close-fitting tarpaulin which prevents the escape of any scrap metal from the load onto the way. For the purposes of this paragraph "scrap metal" means any fragments of manufactured metal articles or parts rejected or discarded and useful only as material for reprocessing.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect September 1, 1994.

*Conferees on the Part
of the Senate*

Sen. MacDonald, Dist. 3
 Sen. Lamirande, Dist. 1
 Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. G. Katsakiores, Rock. 13
 Rep. Bartlett, Belk. 6
 Rep. S. Packard, Rock. 29
 Rep. Turgeon, Hills. 47

AMENDED ANALYSIS

This bill requires anyone transporting scrap metal on New Hampshire's highways to cover the load to prevent spillage.

Senator MacDonald moved to adopt the Committee of Conference Report.

Adopted.

6578B

**COMMITTEE OF CONFERENCE REPORT
 ON HB 1285-FN-LOCAL**

The committee of conference to which was referred House Bill 1285-FN-LOCAL, An Act permitting solid waste management districts to contract with certain persons for solid waste management services having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the amending language of section 1 of the bill by replacing it with the following:

1 Solid Waste; Contractual Powers. The introductory paragraph of RSA53-B:7, XX is repealed and reenacted to read as follows:

*Conferees on the Part
of the Senate*

Sen. Russman, Dist. 19
 Sen. Pignatelli, Dist. 13
 Sen. Lamirande, Dist. 1

*Conferees on the Part
of the House*

Rep. Lee, Rock. 13
 Rep. A. Merrill, Straf. 8
 Rep. Messier, Hills. 46
 Rep. Hauck, Belk. 4

Senator Russman moved to adopt the Committee of Conference Report.

Adopted.

6538B

COMMITTEE OF CONFERENCE REPORT ON HB 1309

The committee of conference to which was referred House Bill 1309, An Act prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 417:4, XX(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Nothing shall prohibit any insurance company, agent or adjuster from providing to such insured person or entity the name of an automobile glass company with which arrangements may have been made with respect to automobile glass prices or services. If a name is provided, there must be

disclosure by the insurance company, agent or adjuster to the insured person or entity that any other automobile glass company or location may be used at the discretion of the insured person or entity. However, the insurer may limit payment for such work based on the fair and reasonable price in the area by repair shops or facilities providing similar services with the usual and customary guarantees as to materials and workmanship. If an independent repair shop or facility and an insurer are unable to agree on a price, then for the purposes of this section "fair and reasonable price" shall mean the price available from a recognized, competent and conveniently located, independent repair shop or facility which is willing and able to repair the damaged automobile within a reasonable time.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10
Sen. MacDonald, Dist. 3
Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. B. Gage, Rock. 26
Rep. Drolet, Hills. 12
Rep. Dunlap, Straf. 18
Rep. Newland, Merr. 15

Senator Blaisdell moved to adopt the Committee of Conference Report.

Adopted.

6533B

COMMITTEE OF CONFERENCE REPORT ON HB 1321-FN

The committee of conference to which was referred House Bill 1321-FN, An Act relative to liquor licenses for full service restaurants having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. MacDonald, Dist. 3
Sen. J. King, Dist. 18
Sen. Lovejoy, Dist. 6

*Conferees on the Part
of the House*

Rep. Behrens, Sull. 2
Rep. Avery, Ches. 8
Rep. Dykstra, Hills. 42
Rep. Pantelakos, Rock. 30

Senator MacDonald moved to adopt the Committee of Conference Report.

Adopted.

6534B

COMMITTEE OF CONFERENCE REPORT ON HB 1327-FN

The committee of conference to which was referred House Bill 1327-FN, An Act establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Membership. The committee shall consist of the following members:

I. Two house members from the house environment and agriculture committee, appointed by the speaker of the house.

II. One house member from the wildlife and marine resources committee, appointed by the speaker of the house.

III. The commissioner of the department of agriculture, or designee.

IV. The executive director of the department of fish and game, or designee.

V. Three senate members, appointed by the senate president.

VI. Two public members, one of whom is engaged in freshwater aquaculture and one of whom represents the interests of saltwater aquaculture, appointed by the governor.

*Conferees on the Part
of the Senate*

Sen. Cohen, Dist. 24

Sen. Lovejoy, Dist. 6

Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. J. Bradley, Carr. 8

Rep. Owen, Merr. 6

Rep. M. Campbell, Rock. 26

Rep. L. Pratt, Coos 4

Senator Cohen moved to adopt the Committee of Conference Report.

Adopted.

6594B

COMMITTEE OF CONFERENCE REPORT ON HB 1329-LOCAL

The committee of conference to which was referred House Bill 1329-LOCAL, An Act clarifying the definition of public employee for purposes of workers' compensation having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Shaheen, Dist. 21

Sen. MacDonald, Dist. 3

Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. B. Packard, Hills. 19

Rep. B. Gage, Rock. 26

Rep. Mercer, Hills. 27

Rep. Braiterman, Merr. 3

Senator Shaheen moved to adopt the Committee of Conference Report.

Adopted.

6623B

COMMITTEE OF CONFERENCE REPORT ON HB 1343

The committee of conference to which was referred House Bill 1343, An Act establishing a study committee to examine the development of interactive communication systems among the public schools in the state having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend section 1 of the bill by inserting after paragraph XV the following new paragraph:

XVI. One media and technology educator working in secondary vocational technical education, appointed by the Technology Education Consortium of New Hampshire.

Amend paragraph V of section 4 of the bill by replacing it with the following:

V. One certified marriage and family therapist, appointed by the governor.

Amend section 4 of the bill by inserting after paragraph XIV the following new paragraph:

XV. The commissioner of education, or designee.

Amend paragraph III of section 5 of the bill by replacing it with the following:

III. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

Amend the bill by replacing section 7 with the following:

7 Report. The committee shall submit a report of its findings and recommendations, including proposed legislation, to the governor, the senate president, the speaker of the house, the senate education committee and the committee on public institutions and health and human services, the house education committee, the committee on children, youth and juvenile justice, and the committee on health, human services and elderly affairs on or before November 1, 1994.

*Conferees on the Part
of the Senate*

Sen. Bourque, Dist. 20
Sen. Currier, Dist. 7
Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. P. Brown, Graf. 11
Rep. Yeaton, Merr. 10
Rep. Durham, Hills. 22
Rep. Holden, Hills. 14

Senator Bourque moved to adopt the Committee of Conference Report.

Adopted.

6614B

COMMITTEE OF CONFERENCE REPORT ON HB 1390

The committee of conference to which was referred House Bill 1390, An Act establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. Four members of the house, who shall be representatives from the member municipalities of Acworth, Center Harbor, Claremont, Cornish, Croydon, Goshen, Grantham, Langdon, Lempster, Meredith, New London, Newport, Plainfield, Springfield or Sunapee, appointed by the speaker of the house.

II. Two members of the house environment and agriculture committee who do not represent any of the member municipalities, appointed by the speaker of the house. The first member appointed shall chair the committee. Both members shall be nonvoting members.

Amend section 3 of the bill by inserting after paragraph III the following new paragraph:

IV. Six members shall constitute a quorum.

*Conferees on the Part
of the Senate*

Sen. Russman, Dist. 19

Sen. Cohen, Dist. 24

Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Trelfa, Graf. 2

Rep. A. Merrill, Straf. 8

Rep. Pullman, Rock. 13

Rep. Peyron, Sull. 4

Senator Russman moved to adopt the Committee of Conference Report.

Adopted.

6575B

COMMITTEE OF CONFERENCE REPORT ON HB 1420

The committee of conference to which was referred House Bill 1420, An Act relative to the sale of defective vehicles having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. MacDonald, Dist. 3

Sen. Bourque, Dist. 20

Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Mercer, Hills. 27

Rep. R. Hill, Graf. 1

Rep. Lindblade, Sull. 7

Rep. Newland, Merr. 15

Senator MacDonald moved to adopt the Committee of Conference Report.

Adopted.

6585B

COMMITTEE OF CONFERENCE REPORT ON HB 1429-LOCAL

The committee of conference to which was referred House Bill 1429-LOCAL, An Act exempting municipal recreation programs from day care licensing requirements having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Municipal Recreation Programs Exempt from Child Day Care Licensing Regulation. Amend RSA 170-E:3, I by inserting after subparagraph (e) the following new subparagraph:

(f) Municipal recreation programs.

2 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18

Sen. MacDonald, Dist. 3

Sen. McLane, Dist. 15

*Conferees on the Part
of the House*

Rep. Holden, Hills. 14

Rep. Arndt, Rock. 27

Rep. Wadsworth, Graf. 14

Rep. L. Johnson, Hills. 40

AMENDED ANALYSIS

This bill provides that municipal recreation programs shall be exempt from state child day care licensing regulation.

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6634B

COMMITTEE OF CONFERENCE REPORT ON HB 1442-FN-A

The committee of conference to which was referred House Bill 1442-FN-A, An Act relative to a real estate transfer questionnaire having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Applicability of Tax to Certain Transactions. Amend RSA 78-B:2 by inserting after paragraph XV the following new paragraph:

XVI. To a transfer of title required by an alteration of an entity's form of organization if the beneficial owners of the transferor own 100 percent of the transferee immediately after the transfer.

6 Repeal. RSA 78-B:2, XVI, relative to the applicability of the real estate transfer tax to certain transactions, is repealed.

7 Effective Date.

I. Section 5 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect July 1, 1995.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. Colantuono, Dist. 14
Sen. Lovejoy, Dist. 6

*Conferees on the Part
of the House*

Rep. Wadsworth, Graf. 14
Rep. Cowenhoven, Hills. 14
Rep. Dowling, Rock. 13
Rep. St. Martin, Rock. 6

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6611B

COMMITTEE OF CONFERENCE REPORT ON HB 1447-FN

The committee of conference to which was referred House Bill 1447-FN, An Act making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 7 with the following:

7 New Paragraph; Temporary Licensure; Applicants Added. Amend RSA 326-B:9 by inserting after paragraph V the following new paragraph:

VI. Registered nurse graduates of nursing programs preparing registered nurses for advanced practice upon verification of candidacy to sit for the first scheduled board-approved national certifying examination in the applicant's practice category following graduation and until scores of the designated examination are received and a permanent license issued; pro-

vided that such applicant's practice shall be overseen by an advanced registered nurse practitioner within the same practice category.

8 Contingent Repeal. RSA 326-B:9, VI, relative to temporary licensure, is repealed when legislative action is take on the report of the study committee established in section 4 of this act. The clerk of the house of representatives shall certify the date of such action, if and when it occurs, to the secretary of state.

9 Effective Date.

I. Sections 4-6 and 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Conferees on the Part of the Senate

Sen. J. King, Dist. 18
Sen. McLane, Dist. 15
Sen. Podles, Dist. 16

Conferees on the Part of the House

Rep. Dowd, Rock. 13
Rep. Emerton, Hills. 7
Rep. Dyer, Hills. 8
Rep. Groves, Rock. 22

AMENDED ANALYSIS

This bill amends RSA 326-B, the nurse practice act, by:

(a) Granting privileged communications to advanced practice registered nurses.

(b) Extending the "duty to warn" to psychiatric/mental health advanced registered nurse practitioners and other advanced practice registered nurses.

(c) Applying the sexual misconduct prohibition and the duty to inform to psychiatric/mental health advanced registered nurse practitioners.

(d) Permitting temporary licensure for certain registered nurse graduates who are preparing to sit for the national certifying examination.

The bill also establishes a committee to study the issues of licensure procedures and temporary licensure for nationally certified advanced registered nurse practitioners. The temporary licensure provisions under this bill are to continue until legislative action is taken on the report of the study committee.

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6586B

COMMITTEE OF CONFERENCE REPORT ON HB 1450-LOCAL

The committee of conference to which was referred House Bill 1450-LOCAL, An Act permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 76:11 as inserted by section 1 of the bill by replacing it with the following:

76:11 Delivery of List; Notice to Taxpayer; **Other Bills**. Such list shall be delivered to the collector within 30 days from the receipt of information by the selectmen from the commissioner of revenue administration of the rate percent of taxation as provided in RSA 41:15, unless for good cause the time is extended by the commissioner of revenue administration. The collector shall, within 30 days after the receipt of such list, send to every person

taxed, a bill for such taxes by first class mail, unless for good cause the time is extended by the commissioner of revenue administration. Said bill shall be mailed separately and not included with mailing of other town *or city* bills, ***unless the governing body of the town or city votes to mail other town or city bills or information directly related to municipal business along with the tax bill.*** Under no circumstances shall a city or town mail statements of position on matters of public policy along with the tax bill. Upon written request of a mortgagee or its representative, the tax collector of a city or town shall mail a duplicate copy of the property tax bill, as it was sent to the property taxpayer, to the party making such request. Other form of notification of tax owed, acceptable to the mortgagee and the tax collector, may be substituted for the duplicate tax bill. A separate written request, with specific property identification, shall be required for each duplicate copy or form. The governing body of a city or town may establish a reasonable fee to be charged for each duplicate copy or form. Resident tax bills may be included with property tax bills when the inclusion of such resident tax bills will not unduly delay the mailing of either the resident or property tax bills.

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9
Sen. Barnes, Dist. 17
Sen. Bourque, Dist. 20

*Conferees on the Part
of the House*

Rep. Wadsworth, Graf. 14
Rep. Stone, Rock. 7
Rep. Putnam, Rock. 15
Rep. Daneault, Merr. 12

AMENDED ANALYSIS

This bill permits the governing body of a municipality to vote to expand the information contained on property tax bills and to vote to include other municipal bills and information directly related to municipal business with property tax bills.

Senator Roberge moved to adopt the Committee of Conference.

Adopted.

6618B

COMMITTEE OF CONFERENCE REPORT ON HB 1456

The committee of conference to which was referred House Bill 1456, An Act relative to mental health care service providers having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Chapter; Freedom in Selection of Mental Health Care Providers.

Amend RSA by inserting after chapter 420-G the following new chapter:

CHAPTER 420-H

FREEDOM IN SELECTION OF MENTAL HEALTH CARE PROVIDERS

420-H:1 Purpose. The purpose of this chapter is to assure that consumers of health care services can exercise freedom of choice in the selection of qualified mental health care providers while maintaining quality of care and encouraging containment of health care costs.

420-H:2 Definitions. In this chapter:

I. "Health care insurer" means an insurance company providing health care coverage, including nonprofit health service corporation as defined in

RSA 420-A, medical service corporation as defined in RSA 420, and health maintenance organization as defined in RSA 420-B.

II. "Mental health care provider" means any hospital, psychiatrist licensed under RSA 329 or psychologist or mental health care provider certified under RSA 330-A to provide health care services, including care for mental and nervous conditions.

420-H:3 Willing Provider Participation.

I. Notwithstanding any other provision of law, any mental health care provider licensed or certified to treat any illness, injury, or condition within the scope of such provider's practice, who is willing and able to meet the reasonable terms and conditions established by the health care insurer, shall be able to apply for and receive designation and reimbursement as a participating health care provider.

II. The health care insurer shall provide, upon request of any health care provider, the written criteria for selecting and terminating providers, including the process for appealing any selection or termination decision. The health care provider may appeal an insurer's decision to deny the provider's application for participation in a panel or network.

III. Those health care insurers that contract with selected mental health care providers to furnish care shall utilize selection criteria based primarily on professional competence and quality of care. Any economic or geographic criteria used in selective contracting shall have a demonstrated relationship to the quality and appropriateness of care and to professional competency.

IV. Health care insurers shall provide public notice within their geographic service areas when applications for participation are being accepted.

V. Mental health care providers shall have the right to apply to any health care plan or network in which they desire to participate and to have the application judged on the basis of objective criteria that are available to both applicants and enrollees.

VI. Selective contracting decisions made by any health care insurer shall be based on an evaluation of multiple criteria including professional competence, quality of care, adherence to managed care philosophy consistent with the health care insurer, acceptance of utilization review practices, geographic provider distribution, and the appropriateness by which services are provided.

VII. Prior to initiation of actions leading to termination of a mental health care provider's participation contract "for cause," the mental health care provider shall be given notice specifying the grounds for termination and an opportunity for a hearing, except in cases where harm to patients is imminent or an action by a state licensing or certification board or other government agency effectively limits the mental health care provider's ability to practice.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. Fraser, Dist. 4
Sen. Shaheen, Dist. 21

*Conferees on the Part
of the House*

Rep. B. Gage, Rock. 26
Rep. Hunt, Ches. 10
Rep. Yennaco, Rock. 27
Rep. Braiterman, Merr. 3

AMENDED ANALYSIS

This bill regulates the criteria used by health care insurers in selecting mental health care providers for their health care networks.

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6624B

COMMITTEE OF CONFERENCE REPORT ON HB 1484-LOCAL

The committee of conference to which was referred House Bill 1484-LOCAL, An Act relative to the tax exempt status of certain properties having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 72:23-c, II as inserted by section 2 of the bill by replacing it with the following:

II. City assessors, boards of selectmen, and other officials having power to act under the provisions of this chapter to grant or deny tax exemptions to religious, educational, and charitable organizations shall have the authority to request such materials concerning the organization seeking exemption including its organizational documents, nature of membership, functions, property and the nature of that property, and such other information as shall be reasonably required to make determinations of exemption of property under this chapter. Such information shall be provided within 30 days of a written request. Failure to provide information requested under this section shall result in a denial of exemption unless it is found that such requests were unreasonable.

Amend the bill by replacing section 5 with the following:

5 Committee Membership Changed. Amend 1992, 81:1, I to read as follows:

I. There is established a committee to review the laws governing tax-exempt property and to study the concept of and criteria for payment in lieu of taxes by tax-exempt properties. The committee shall be composed of the following:

(a) Three senators, appointed by the senate president.

(b) Three representatives, appointed by the speaker of the house.

[(c)] One representative of the New Hampshire Business and Industry Association, appointed by such association.

(d) One member of the New Hampshire School Board Association, appointed by such association.]

[(e)](c) The commissioner of the department of revenue administration, or designee.

[(f)](d) One representative of the charitable trusts section of the department of justice, appointed by the attorney general.

[(g)](e) One representative from a tax-exempt hospital, appointed by the governor.

[(h)](f) One representative from a tax-exempt church, appointed by the governor.

[(i)] One representative of postsecondary education, appointed by the governor.]

[(j)](g) One representative of the New Hampshire Municipal Association, appointed by such association.

[(k)](h) One representative of the Granite State Association of Non-Profits, appointed by such association.

[(l)](i) One representative of the New Hampshire Association of Commerce and Industry, Inc., appointed by such association.

(j) ***One representative of the New Hampshire Tax Assessors Association, appointed by the association.***

(k) ***One representative of the university system of New Hampshire, appointed by the chancellor.***

(l) One representative of the New Hampshire College and University Council, appointed by the council.

(m) One representative from an art or cultural organization, appointed by Arts 1000.

(n) One member of the board of tax and land appeals, appointed by the board.

(o) One member of the Non-public School Advisory Council, appointed by the council.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Shaheen, Dist. 21
Sen. Barnes, Dist. 17

*Conferees on the Part
of the House*

Rep. Stone, Rock. 7
Rep. Weyler, Rock. 18
Rep. Wadsworth, Graf. 14
Rep. L. Foster, Hills. 10

AMENDED ANALYSIS

This bill places increased restrictions on the granting of property tax exemptions on property owned by churches, schools, colleges, universities and charitable organizations.

The bill also changes the membership of the study committee to review the laws governing tax-exempt property and the concept of and criteria for payment in lieu of taxes by the state and tax-exempt properties, which was established in 1992, 81:1.

Senator McLane moved to adopt the Committee of Conference Report.

Adopted.

6560B

COMMITTEE OF CONFERENCE REPORT ON HB 1493-FN-A

The committee of conference to which was referred House Bill 1493-FN-A, An Act relative to tax refunds from the department of revenue administration having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect July 1, 1994.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Blaisdell, Dist. 10
Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Cowenhoven, Hills. 14
Rep. Nichols, Merr. 2
Rep. E. Chandler, Merr. 1
Rep. Pageotte, Straf. 14

Senator McLane moved to adopt the Committee of Conference Report.

Adopted.

6627B

COMMITTEE OF CONFERENCE REPORT ON HB 1496-FN-LOCAL

The committee of conference to which was referred House Bill 1496-FN-LOCAL, An Act requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental

services and certain downstream communities having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. Russman, Dist. 19
Sen. Pignatelli, Dist. 13
Sen. MacDonald, Dist. 3

*Conferees on the Part
of the House*

Rep. Trelfa, Graf. 2
Rep. Wasson, Straf. 10
Rep. Lee, Rock. 13
Rep. Daigle, Hills. 28

Senator Russman moved to adopt the Committee of Conference Report.

Adopted.

6582B

COMMITTEE OF CONFERENCE REPORT ON HB 1512-FN

The committee of conference to which was referred House Bill 1512-FN, An Act requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 430:31-a, I(e) and (f) as inserted by section 2 of the bill by replacing it with the following:

(e) An environmental educator, appointed by the New Hampshire Environmental Educators.

(f) A representative of the New Hampshire Association of Conservation Commissions, appointed by the association.

*Conferees on the Part
of the Senate*

Sen. Russman, Dist. 19
Sen. Pignatelli, Dist. 13
Sen. Lamirande, Dist. 1

*Conferees on the Part
of the House*

Rep. Philbrick, Carr. 4
Rep. Messier, Hills. 46
Rep. Aranda, Rock. 13
Rep. B. Hall, Hills. 20

Senator Russman moved to adopt the Committee of Conference Report.

Adopted.

6490B

COMMITTEE OF CONFERENCE REPORT ON HB 1525

The committee of conference to which was referred House Bill 1525, An Act relative to communications that constitute harassment having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 644:4, I(a) as inserted by section 1 of the bill by replacing it with the following:

[I.](a) Makes a telephone call, whether or not a conversation ensues, [without] **with a** purpose [of lawful communication,] **to annoy or alarm another;** or

Amend RSA 644:4, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) With the purpose to annoy or alarm another, having been previously notified that the recipient does not desire further communication, communicates with such person, when the communication is not for a lawful purpose or constitutionally protected.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16

Sen. Baldizar, Dist. 12

Sen. MacDonald, Dist. 3

*Conferees on the Part
of the House*

Rep. V. Clark, Rock. 15

Rep. R. Campbell, Belk. 4

Rep. Christie, Rock. 22

Rep. Knowles, Straf. 11

Senator Podles moved to adopt the Committee of Conference Report.

Adopted.

6539B

COMMITTEE OF CONFERENCE REPORT

ON HB 1528-FN-LOCAL

The committee of conference to which was referred House Bill 1528-FN-LOCAL, An Act establishing a safe school zone and relative to school violence having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 193:13, II-III as inserted by section 2 of the bill by replacing them with the following:

II. Any pupil may be [dismissed] expelled from school by the local school board for gross misconduct or for [neglect or refusal to conform to the reasonable rules of the school] an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun or rifle and [said] the pupil shall not attend school until restored by the local board. Any [dismissal must] expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such [dismissal] expulsion by the local board to the state board of education.

III. Any pupil who knowingly possesses a firearm in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board. Any expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board to the state board of education.

Amend RSA 193-D:8, as inserted by section 3 of the bill by replacing it with the following:

193-D:8 Transfer Records; Notice. All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

*Conferees on the Part
of the Senate*

Sen. Baldizar, Dist. 11
 Sen. Colantuono, Dist. 14
 Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. Franks, Hills. 26
 Rep. Williamson, Rock. 3
 Rep. Skinner, Rock. 27
 Rep. J. White, Hills. 46

SENATOR COHEN: Violence in the schools is of exceptional importance to all of our constituents. This bill is agreeable to all. It is better than nothing. But it's really not what our constituents deserve. I think that our constituents genuinely deserve safe schools. This bill does not really do it. I think a more truthful title would be slightly safer schools zones, maybe. Senator Baldizar moved to adopt the Committee of Conference Report.

Adopted.

6540B

COMMITTEE OF CONFERENCE REPORT ON HB 1533

The committee of conference to which was referred House Bill 1533, An Act relative to the composition of the pesticide control board having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Russman, Dist. 19
 Sen. Currier, Dist. 7
 Sen. Lamirande, Dist. 1

*Conferees on the Part
of the House*

Rep. Wasson, Straf. 10
 Rep. M. Campbell, Rock. 26
 Rep. J. Bradley, Carr. 8
 Rep. Hanselman, Hills. 21

AMENDED ANALYSIS

This bill adds 2 new public members to the pesticide control board and clarifies that state employee members should be department commissioners or division directors or their designees.

Senator Russman moved to adopt the Committee of Conference Report.

Adopted.

6593B

COMMITTEE OF CONFERENCE REPORT ON HB 1535-FN

The committee of conference to which was referred House Bill 1535-FN, An Act exempting certain vessels from the state vessel registration fee and the boat fee having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. Cohen, Dist. 24
 Sen. Roberge, Dist. 9
 Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. Klemarczyk, Rock. 20
 Rep. T. Cain, Belk. 3
 Rep. Callaghan, Straf. 15
 Rep. R. Wheeler, Hills. 7

Senator Cohen moved to adopt the Committee of Conference Report.

Adopted.

6574B

COMMITTEE OF CONFERENCE REPORT ON HB 1551-FN-A

The committee of conference to which was referred House Bill 1551-FN-A, An Act to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10
Sen. Russman, Dist. 19
Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. K. Ward, Graf. 1
Rep. Schotanus, Sull. 3
Rep. McGrath, Straf. 19
Rep. Dyer, Hills. 8

Senator Blaisdell moved to adopt the Committee of Conference Report.

Adopted.

6561B

COMMITTEE OF CONFERENCE REPORT ON HB 1571-A

The committee of conference to which was referred House Bill 1571-A, An Act appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Capital Appropriation Increased for Design and Renovation of Brown Building. Amend 1993, 359:1, V, E, 3 and the total for subparagraph V, E as amended by 1993, 360:5 to read as follows:

3. Design <i>and renovation</i> of		
Brown building [renovations]	[\$ 750,000]	\$ 6,750,000
Total subparagraph	E [\$ 1,300,000]	\$ 7,300,000

Amend the bill by replacing section 5 with the following:

5 Appropriation; Plymouth District Courthouse. The sum of \$1,900,000 is appropriated to the department of administrative services for the biennium ending June 30, 1995, for the purpose of the construction and furnishing of a new Plymouth district courthouse. This appropriation shall lapse on June 30, 1996.

*Conferees on the Part
of the Senate*

Sen. Shaheen, Dist. 21
Sen. Roberge, Dist. 9
Sen. Baldizar, Dist. 12

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1
Rep. Driscoll, Graf. 7
Rep. Calawa, Hills. 17
Rep. K. Rogers, Merr. 22

AMENDED ANALYSIS

This bill increases the amended 1993 capital budget appropriation for the design and renovation of the Brown building on the New Hampshire hospital campus from \$750,000 to \$6,750,000. The bill also increases other appropriation totals in the capital budget resulting from the new appropriation for the Brown building.

The bill also makes a capital appropriation for the construction and furnishing of a new Plymouth district courthouse. This appropriation lapses on June 30, 1996.

The bill also changes the description of the amended 1993 capital budget appropriation which is made to the department of safety for a fire standards and training dormitory, to include other training structures and equipment. The dollar amount of the appropriation is not changed.

Senator Shaheen moved to adopt the Committee of Conference Report.

Adopted.

6625B

COMMITTEE OF CONFERENCE REPORT ON HB 1572-FN

The committee of conference to which was referred House Bill 1572-FN, An Act relative to the public employee labor relations board and filing fees and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 273-A:6, II as inserted by section 2 of the bill by replacing it with the following:

II. Complaints shall be filed by affidavit *and shall be accompanied by a \$60 filing fee. Such fees shall be continually appropriated to the board.* A copy of the complaint shall be given to the party complained against at the time the complaint is filed. The board or its designee shall hold a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the representative of any party against whom a complaint has been filed.

Amend the bill by deleting section 7 and renumbering section 8 to read as 7.

*Conferees on the Part
of the Senate*

Sen. Barnes, Dist. 17
Sen. Pignatelli, Dist. 13
Sen. Lovejoy, Dist. 6

*Conferees on the Part
of the House*

Rep. Turner, Belk. 7
Rep. Cowenhoven, Hills. 14
Rep. R. Wheeler, Hills. 7
Rep. Palmer, Sull. 11

Senator Barnes moved to adopt the Committee of Conference Report.

Adopted.

6522B

COMMITTEE OF CONFERENCE REPORT ON HB 1578

The committee of conference to which was referred House Bill 1578, An Act relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 4 the following and renumbering sections 5 and 6 to read as 6 and 7, respectively:

5 Ethics Committee Membership. Amend the introductory paragraph of RSA 14-B:2, I to read as follows:

I. There is hereby established a legislative ethics committee to develop standards for legislative ethics and resolve, through procedures established in this chapter, issues, questions or complaints involving legislators and legislative staff and officers. The committee shall have the power to investigate allegations of improper conduct as set forth in this chapter. The committee shall consist of the following members, *one of whom shall be an attorney who is a member of the New Hampshire bar*:

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7

Sen. J. King, Dist. 18

Sen. Russman, Dist. 19

*Conferees on the Part
of the House*

Rep. Bean, Graf. 14

Rep. Horton, Coos 3

Rep. Dykstra, Hills. 42

Rep. McGovern, Rock. 35

AMENDED ANALYSIS

This bill amends the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee by:

(1) Removing the attorney general as a member of the committee and adding the requirement that one of the remaining members of the committee shall be an attorney who is a member of the New Hampshire bar.

(2) Requiring all actions of the committee to be by an affirmative vote of 4 or more members.

(3) Detailing how complaints shall be submitted to and acted upon by the committee.

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

6584B

COMMITTEE OF CONFERENCE REPORT ON HB 1580-FN-A

The committee of conference to which was referred House Bill 1580-FN-A, An Act increasing the funds appropriated to finance the gubernatorial transition having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18

Sen. Barnes, Dist. 17

Sen. Podles, Dist. 16

*Conferees on the Part
of the House*

Rep. Holbrook, Belk. 7

Rep. F. Torr, Straf. 12

Rep. Lindblade, Sull. 7

Rep. Crory, Graf. 10

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

RESOLUTION

Senator Currier moved that all Committee of Conference Reports not signed by the deadline of 5:00 pm, Friday the 20th of May be by this resolution made inexpedient to legislate.

Adopted.

COMMITTEE OF CONFERENCE REPORTS KILLED**BY THIS RESOLUTION**

SB 608, an act increasing the penalty for certain DWI offenses to include lifetime license revocation.

SB 621-FN, an act relative to eligibility for unemployment benefits.

SB 716-FN, an act relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

SB 717, an act relative to residency forms and automobile insurance.

HB 190, an act giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between 2 departments.

HB 280, an act relative to zoning requirements for family day care homes.

HB 288, an act relative to teacher representation on the New Hampshire retirement system board of trustees.

HB 1142, an act relative to lenders regulated by the banking department and relative to consumer credit transactions.

HB 1240, an act permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water.

HB 1415-LOCAL, an act relative to approval of the goals and future conditions section of the master plan by the local legislative body.

RESOLUTION

Senator Delahunty moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Thursday, May 26, 1994 at 3:00 p.m.

Adopted.

ANNOUNCEMENTS**LATE SESSION**

Senator Disnard moved that the business of the day being completed, the Senate now adjourn until Thursday, May 26, 1994 at 3:00 p.m.

Adopted.

Adjournment.

May 26, 1994

The Senate met at 3:00 p.m.

A quorum was present.

The prayer was offered by the Rabbi Ned Soltz, Senate Chaplain.

God of all humanity, know the legislative session now comes to an end and we grant as this session draws to an end that those who are entrusted with

this sacred task of making our laws and looking out for the welfare of the citizens of our state, we ask that they look back with gratitude for the service, and we ask that as the session draws to a close, that those agenda items that still remain, be attended to with wisdom and with diligence, and bestow that sense of vision of the service of the citizens of our state and the welfare of all of us.

Amen

Senator Delahunty led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House has refused to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill and requests a new Committee of Conference.

HB 439, relative to the profession of engineering.

The Speaker, on the part of the House, has appointed as members of said Committee:

REPRESENTATIVES: William Boucher
Sandra Dowd
Bonnie Groves
Larry Emerton

SENATE REFUSES TO ACCEDE TO REQUEST FOR A COMMITTEE OF CONFERENCE

HB 439, relative to the profession of engineering.

Senator Currier refused to accede to the request of the Committee of Conference.

Adopted.

HOUSE MESSAGE

The House has refused to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 638, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections.

and the Committee of Conference has been discharged, and the House requests a new Committee of Conference:

The Speaker, on the part of the House, has appointed as members of said Committee:

Representatives: Franklin Torr, Robert Wheeler, Arthur Klemm, David Cote

SENATE ACCEDES TO REQUEST FOR A COMMITTEE OF CONFERENCE

SB 638, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections.

Senator Blaisdell moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Blaisdell, Hollingworth, Currier.

HOUSE MESSAGE

The House has refused to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 149, relative to land surveying by proprietorships, corporations or partnerships.

and the Committee of Conference has been discharged, and the House requests a new Committee of Conference:

The Speaker, on the part of the House, has appointed as members of said Committee:

Representatives: William Boucher, Sandra Dowd, Fred Foss, Bonnie Groves

**SENATE ACCEDES TO REQUEST FOR
A COMMITTEE OF CONFERENCE**

SB 149, relative to land surveying by proprietorships, corporations or partnerships.

Senator Currier moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

Senators: Currier, Bourque, Colantuono

HOUSE MESSAGE

The House has discharged the Committee of Conference and the House requests a new Committee of Conference on the following entitled Bill:

SB 621, relative to eligibility for unemployment benefits.

The Speaker, on the part of the House, has appointed as members of said Committee:

REPRESENTATIVES: Robert Hawkins
 Robert Turner
 Paul Perkins
 Amy Bagley

SENATE REFUSES TO ACCEDE TO REQUEST

SB 621, relative to eligibility for unemployment benefits.

Senator Hough moved that we killed this bill by Resolution on May 24, 1994.

HOUSE MESSAGE

The House has discharged the Committee of Conference and the House requests a new Committee of Conference on the following entitled Bill:

SB 716, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

The Speaker, on the part of the House, has appointed as members of said Committee:

REPRESENTATIVES: Jeb Bradley
 Donald Philbrick
 Richard Wasson
 Amanda Merrill

SENATE REFUSES TO ACCEDE TO REQUEST

SB 716, relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.

Senator Hough moved that we killed this bill by Resolution on May 24, 1994.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a new Committee of Conference on the following entitled Bill:

HB 389, relative to the disclosure of certain historical information regarding property.

The Speaker, on the part of the House, has appointed as members of said Committee:

REPRESENTATIVES: Mercer
 Yennaco
 Lindblade
 M. Clark.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Bill sent down from the Senate:

SB 636, relative to the public use of coastal beaches for recreational purposes.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill sent down from the Senate:

SB 809, relative to enacting zoning ordinances in the Mountain Lakes District.

HOUSE MESSAGES

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

SB 225, relative to shoreland protection.

SB 518, relative to life and health insurance policy language simplification.

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process.

SB 567, establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping.

SB 580, establishing a committee to study future directions for New Hampshire child care licensing policies.

SB 589, relative to the powers of fiduciaries in environmental matters.

SB 592, relative to the display of expired motor vehicle plates.

SB 618, changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation."

SB 644, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101.

SB 650, establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund.

- SB 667**, relative to guardians ad litem appointed in child protection cases.
- SB 671**, negating the repeal of tax credits against the business profits tax and the investment tax credit.
- SB 672**, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings.
- SB 688**, relative to redemption of property subject to tax liens for the elderly and disabled.
- SB 701**, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee.
- SB 709**, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan.
- SB 740**, relative to employee leasing.
- SB 747**, relative to lease-purchase agreements.
- SB 758**, relative to a civil filing fee surcharge for civil legal assistance to low-income persons.
- SB 761**, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor.
- SB 763**, establishing an executive board for community service.
- SB 772**, authorizing involuntary civil commitment for certain individuals and making appropriations therefor.
- SB 791**, establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.
- SB 792**, relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport.
- SB 793**, relative to the Pease development authority and making an appropriation therefor.
- SB 794**, making a capital appropriation for highway transportation infrastructure.
- SB 806**, relative to a capital appropriation for repair and restoration of the state house.
- SB 807**, allowing the establishment of the Capital Wellness Center, Inc.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

- HB 1100**, relative to the importation, possession and sale of wolf hybrids and establishing a study committee on wolf hybrids.
- HB 1290**, replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.
- HB 1523**, establishing a state veterans' cemetery and making an appropriation therefor.
- HB 1469**, relative to the definition of "impact fee" for the purpose of innovative land use controls.

HB 1539, establishing a statewide intermodal transportation planning and improvement program.

SB 516, making it a violation to fail to render aid when requested by a law enforcement officer who requires aid in a criminal case or an emergency situation.

SB 517, making it a crime to obstruct the reporting of a crime or a bodily injury.

SB 605, relative to driving a motor vehicle after license revocation or suspension.

SB 697, relative to the New Hampshire Industrial Research Center.

SB 752, relative to signage on highways and signage fees.

SB 768, relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways.

SB 771, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases and making an appropriation therefor.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1262, relative to the compensation for medical, hospital, and remedial care under workers' compensation and relative to medical and surgical benefits for certain state employees.

HB 1300 requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation.

HB 1320, regulating commerce pertaining to consumer transactions involving credit reporting agencies.

HB 1323, requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates.

HB 1507, relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act.

HB 1518, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated.

HB 1568, requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution.

SB 541, allowing the commissioner of the department of health and human services to settle small claims against the department.

SB 603, relative to the definition and payment of salaried employees.

SB 767, relative to mental illness coverage under insurance policies.

SB 775, providing medicaid coverage for adults 18 to 64 years of age; changing the definition of disability for the purposes of eligibility for aid to the permanently and totally disabled and making an appropriation therefor.

SB 787, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor.

SB 788, relative to alternative fuel motor vehicles.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 279, an act prohibiting certain household cleansing products containing phosphates.

HB 1153, an act adopting the revised Uniform Enforcement of Foreign Judgements Act.

HB 1216, an act allowing the exclusion of certain corporate officers and members and managers of limited liability companies from workers' compensation coverage.

HB 1335, an act making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees.

HB 1372, an act establishing the granite state cultural legacy award.

HB 1379, an act establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report.

HB 1433, an act establishing committee to review and make recommendations regarding health education in public schools.

HB 1458, an act provide incentive through school building aid for establishing and maintaining public kindergarten programs, and establishing a committee to review the maximization of revenue from programs administered by the New Hampshire Sweepstakes Commission.

HB 1472, making an appropriation to the fund for domestic violence programs.

SB 144, relative to the legacies and successions tax on property jointly owned.

SB 548, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants.

SB 575, modifying the dental practice act.

SB 674, placing responsibility for dredging projects in tidal waters with the port authority, continually appropriation certain fees to the port authority and compensating the public members of the wetlands board for their services.

SB 711, relative to small employer and individual insurance.

SB 724, relative to conspicuous notice in parking lots and garages stating the illegally parked cars are subject to towing.

SB 757, requiring the house ways and means committee to study the state's tax credit incentives.

Senator Currier moved adoption.

Adopted.

COMMITTEE OF CONFERENCES

6636B

COMMITTEE OF CONFERENCE REPORT ON HB 628-FN

The committee of conference to which was referred House Bill 628-FN, An Act requiring the department of safety to keep driver's records confidential except for certain reasons having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 260:14, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) Notwithstanding RSA 91-A or any other law to the contrary except RSA 263:40-a and RSA 347:9, any records kept by the department of safety under the requirements of paragraph I shall be made available to any person or entity, not expressly referred to in paragraph II, only in response to a request submitted pursuant to rules adopted by the commissioner of safety pursuant to RSA 541-A. Such rules shall provide for access by any person or entity which has an appropriate legal, business or journalistic purpose, and procedures to prevent access to any unauthorized person or entity.

(b) An individual who does not wish to have any records pertaining to such individual made available pursuant to subparagraph III(a) shall so inform the department, and the department thereafter shall not make such records available under this paragraph. An individual shall have the opportunity to so elect pursuant to instructions set forth in each form used by the department to collect such records from the public, and shall have the right to so elect at any time.

IV. An individual shall have access to his or her own records kept by the department pursuant to paragraph I, whether or not he or she has made an election under subparagraph III(b). If authorized in writing by an individual who has made an election under subparagraph III(b), the department shall make such records as the individual requests available to the person or entity specified by the individual.

V. It shall be a misdemeanor for any person to willfully disclose information from a department record to an unauthorized person. It shall be a misdemeanor for any person to make a false representation to obtain information from a department record. Each such disclosure shall be considered a separate offense.

VI. The state shall not be liable for any improper use or release of records to any person obtaining such records as provided in this section.

VII. Nothing in this section shall prohibit the department from releasing to the public any individual's name, age and motor vehicle offenses or from adopting any rules providing for the release of the name and address of any individual who is the subject of a court order or decree.

*Conferees on the Part
of the Senate*

Sen. MacDonald, Dist. 3
Sen. Shaheen, Dist. 21
Sen. Baldizar, Dist. 12

*Conferees on the Part
of the House*

Rep. T. Cain, Belk. 3
Rep. Kruse, Rock. 26
Rep. Regan, Merr. 12
Rep. Raynowska, Rock. 26

Senator MacDonald moved to adopt the Committee of Conference Report.

SENATOR SHAHEEN: We have discovered since the Committee of Conference on HB 628, that there are three problems with the report as it is written. In talking to the Insurance Department, there is legitimate access that must be required by insurance companies to get at all motor vehicle records. We need to make that correction in the Committee of Conference report. There is an incorrect citation to statute, it is a chapter law and it should be to statute. The third thing is, that there will be some cost of implementing this legislation and we need to provide for the Department of Safety to be able to get some funding to be able to implement it. What I am going to ask the body to do at this time, is to vote to kill the Committee of Conference Report so that we can reappoint a new Committee, fix those three problems and bring back a revised Committee of Conference report to the Senate. We have already talked to the Insurance Department and have gotten language that would address the insurance issue. We have language that would address the cost issue for safety, and we know what the correct citation is. So I would urge all of the Senators to vote to kill this Committee of Conference report, and then vote to support the reappointment of a new Committee of Conference.

SENATOR PODLES: Senator Shaheen, I understand that if there is a recall for cars, that they have no way of knowing where the town is or the city that was eliminated. Is that true?

SENATOR SHAHEEN: The way that the Committee of Conference report is currently written, it would give the Commissioner of Safety, the flexibility to be able to address that kind of an issue. There was, and I don't have the report in front of me, but if I did, I could tell you that there is a section in there that talks about getting access to any records that people might have opted out of. In that section there is a reference to name and address.

SENATOR PODLES: So the town would be given that?

SENATOR SHAHEEN: I assume that would be included as part of the address.

Motion failed

Senator Shaheen moved to discharge the committee and establish a new committee.

Division vote requested.

Yeas: 8 - Nays: 15

Motion failed.

6633B

COMMITTEE OF CONFERENCE REPORT ON HB 1187

The committee of conference to which was referred House Bill 1187, An Act relative to the signature of manufactured housing park owners on deeds and the fee for such signature having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Land Fee Increases. Amend RSA 205-A:6 to read as follows:

205-A:6 Fees, Charges, Assessments. A manufactured housing park owner or operator shall fully disclose in writing all terms and conditions of the tenancy including rental, utility and service charges, prior to entering into a rental agreement with a prospective tenant. No charges so disclosed may be increased by the park owner or operator without ***an explanation for the increase and*** specifying the date of implementation of said increase, which date shall be no less than 60 days after written notice to the tenant. Nothing in this section, however, shall be construed to permit a park owner or operator to vary the terms of a written or oral rental agreement without the express written consent of the tenant.

*Conferees on the Part
of the Senate*

Sen. Fraser, Dist. 4
Sen. Baldizar, Dist. 12
Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. B. Gage, Rock. 26
Rep. Drolet, Hills. 12
Rep. Jasper, Hills. 23
Rep. Loder, Straf. 8

AMENDED ANALYSIS

This bill requires a manufactured housing park owner who is requested to sign a manufactured housing warranty deed to sign the deed no later than 15 days after the new tenant is approved. The bill also limits the fee for such a signature to no more than \$25, which fee is to be paid by the tenant.

This bill also specifies that an explanation for any increases is to be included in the notice required to be given by the manufactured housing park owner to the tenant of a manufactured housing park prior to a land fee increase.

Senator Fraser moved to adopt the Committee of Conference Report.

Adopted.

Senator Wheeler in opposition to HB 1187.

Recess.

Senator Blaisdell in the Chair.

Recess.

Senator Hough in the Chair.

6557B

COMMITTEE OF CONFERENCE REPORT ON SB 225-FN

The committee of conference to which was referred Senate Bill 225-FN, An Act relative to shoreland protection having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend section 22 of the bill by inserting after paragraph II the following new paragraph:

III. 1991, 303:8 as amended by 1992, 157:1, relative to the requirement that funding be approved before the shoreland protection act could take effect.

Amend the bill by replacing all after section 22 with the following:

23 Positions Established. There is hereby established in the department of environmental services, 2 environmentalist III positions to perform public education and compliance with the provisions of RSA 483-B. The commissioner of the department of environmental services shall consider the 2 positions for funding in the department's operating budget request to the governor for the biennium beginning July 1, 1995.

24 Appropriation. The sum of \$46,000 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of environmental services, \$41,000 of which shall fund one of the positions established in section 23 of this act and \$5,000 of which shall be for public education purposes. This appropriation is in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

25 Shoreland Protection Act Effective Date Changed. Amend 1991, 303:10, I to read as follows:

I. Sections 1, 2, and 5 of this act shall take effect [as provided in section 8 of this act] **July 1, 1994.**

26 Effective Date. This act shall take effect July 1, 1994.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Pignatelli, Dist. 13
Sen. Russman, Dist. 19

*Conferees on the Part
of the House*

Rep. Conroy, Rock. 13
Rep. Dickinson, Carr. 2
Rep. Merritt, Straf. 8
Rep. Schotanus, Sull. 3

AMENDED ANALYSIS

This bill:

I. Makes the shoreland protection act, RSA 483-B, take effect.

II. Clarifies, corrects references and eliminates duplication to reflect amendments enacted in 1992.

III. Defines "mean high tide" according to current usage by the wetlands board.

IV. Specifies where the use of fertilizers is prohibited.

V. Substitutes the term "reference line" for "public boundary line."

VI. Makes septic tank setback requirements consistent with existing subsurface sewage disposal rules.

VII. Establishes 2 environmentalist III positions at the department of environmental services and makes an appropriation to fund one of these positions and for public education purposes.

Senator McLane moved to adopt the Committee of Conference Report.

Adopted.

6598B

COMMITTEE OF CONFERENCE REPORT ON SB 518

The committee of conference to which was referred Senate Bill 518, An Act relative to life and health insurance policy language simplification having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10

Sen. Hollingworth, Dist. 23

Sen. McLane, Dist. 15

*Conferees on the Part
of the House*

Rep. B. Gage, Rock. 26

Rep. Mercer, Hills. 27

Rep. Hunt, Ches. 10

Rep. Braiterman, Merr. 3

Senator Blaisdell moved to adopt the Committee of Conference Report.

Adopted.

6568B

COMMITTEE OF CONFERENCE REPORT ON SB 523

The committee of conference to which was referred Senate Bill 523, An Act establishing a committee to study patient access to information about health care providers and the quality assurance process having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Placards Available to Individuals and Nonprofit Agencies Serving Walking Disabled. Amend RSA 261:88, V to read as follows:

V. Upon application, the department shall furnish a hanging windshield placard without charge to a person with a walking disability who satisfactorily furnishes proof of such disability to the director. ***Any nonprofit agency serving a person with a walking disability may apply to the department for a hanging windshield placard. An applicant for such placard shall furnish the director with satisfactory proof, as the director may require, that the applicant will use the placard solely for the transportation of a person with a walking disability. The quantity of placards issued under this paragraph shall be at the discretion of the director.*** This placard shall meet the standards set forth in 23 C.F.R. Part 1235, Appendix A. The removable windshield placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. [The] ***A request from any nonprofit agency for a placard shall be approved by the administrator of the nonprofit agency and any other*** application for such a placard shall be accompanied by the certification of a licensed physician that the applicant meets the definition set forth in paragraph I of persons with walking disabilities. The placard shall expire 3 years from the date of issuance, and the expiration date shall be noted on the placard. The placard shall be renewed, upon application on forms provided by the director, if the director determines that the disability which necessitated the issuance of the placard continues. Upon request of the applicant, the director shall issue one additional placard to the applicant if the applicant does not have special license plates.

5 Effective Date.

I. Section 4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18

Sen. Hollingworth, Dist. 23

Sen. McLane, Dist. 15

*Conferees on the Part
of the House*

Rep. Amidon, Hills. 9

Rep. Sargent, Hills. 3

Rep. Morello, Hills. 38

Rep. K. Wheeler, Straf. 8

AMENDED ANALYSIS

This bill establishes a committee to study patient access to information about health care providers in relation to the quality assurance process.

This bill also allows nonprofit agencies serving disabled persons to apply for walking disability placards to be used when transporting a person with a walking disability.

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6654B

COMMITTEE OF CONFERENCE REPORT ON SB 567

The committee of conference to which was referred Senate Bill 567, An Act establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. Cohen, Dist. 24

Sen. Lovejoy, Dist. 6

Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Drake, Rock. 24

Rep. Lachut, Hills. 2

Rep. McGuirk, Ches. 1

Rep. Linda Smith, Belk. 5

Senator Cohen moved to adopt the Committee of Conference Report.

Adopted.

6654

Enrolled Bill Amendment to HB 531

Amend the bill by replacing section 4 with the following:

4 Reference to Party Columns Removed. Amend RSA 655:17-c, III to read as follows:

III. No party of which a person is not a member shall nominate that person as a candidate so that his name would appear on the state general election ballot [in more than one party column] **as candidate of more than one party.**

5 Contingency. If HB 449, "An Act relative to listing candidates on general election ballots," becomes law, section 4 of this act shall take effect at 12:01 a.m. 60 days after its passage. If HB 449 does not become law, section 4 of this act shall not take effect.

6 Effective Date.

I. Section 4 of this act shall take effect as provided in section 5 of this act.

II. Section 5 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

SENATOR MCLANE: This enrolled bill amendment incorporates changes made to the law by HB 449, which eliminates references to party columns on election ballots.

Senator McLane moved adoption.

Adopted.

6651B

Enrolled Bill Amendment to HB 660-FN

Amend section 5 of the bill by replacing lines 2-3 with the following:
section 17-e the following new section:

318-B:17-f Forfeiture Reports. The attorney general shall submit a

Amend section 5 of the bill by replacing line 13 with the following:
The attorney general has the authority to exclude any

SENATOR MCLANE: This enrolled bill amendment rennumbers a new RSA section inserted by section 5 of the bill to avoid duplicating the number of another new RSA section inserted by section 4 of the bill. The amendment also makes certain text an unnumbered concluding paragraph to conform to usual RSA format.

Senator McLane moved adoption.

Adopted.

6658B

Enrolled Bill Amendment to HB 1228

Amend RSA 289:4 as inserted by section 2 of the bill by replacing line 9 with the following:
declared abandoned in accordance with RSA 289:19-21.

SENATOR MCLANE: This enrolled bill amendment corrects an inaccurate cross-reference within this recodified RSA chapter.

Senator McLane moved adoption.

Adopted.

6652B

Enrolled Bill Amendment to HB 1238-LOCAL

Amend RSA 652:18, I as inserted by section 2 of the bill by replacing line 2 with the following:

period or limit of time is to be reckoned from a day or date, [using the formula "at least" or "within,"] that day or

SENATOR MCLANE: This enrolled bill amendment shows that a phrase inserted by HB 514 (1994, 4:2), effective May 27, 1994, is being removed by HB 1238-LOCAL. The purpose of HB 1238-LOCAL is to make time computation uniform for the purposes of the election laws and for statutory construction. The phrase inserted by the earlier effective bill (HB 514) was inconsistent with this purpose.

Senator McLane moved adoption.

Adopted.

6660B

Enrolled Bill Amendment to HB 1426

Amend RSA 659:66 as inserted by section 7 of the bill by replacing line 3 with the following:

of a candidate for an office is erased or cancelled and

Amend section 10 of the bill by replacing line 5 with the following: provisions of sections 1-3 and 5-9 of this act shall not take effect.

Amend section 11 of the bill by replacing line 1 with the following:

I. Sections 4 and 10 of this act shall take effect upon its passage.

SENATOR MCLANE: This enrolled bill amendment makes several corrections to the bill. First, it corrects the wording in one section by removing a phrase already deleted by HB 449 (which was passed earlier this session). The second amendment corrects the language of the contingency section so that it clearly indicates which sections of this bill (HB 1426) will not take effect if HB 449 does not become law. The final amendment corrects the effective date language so that the contingency provisions will go into effect properly.

Senator McLane moved adoption.

Adopted.

6650B

Enrolled Bill Amendment to SB 508-LOCAL

Amend section 9 of the bill by replacing lines 1 and 2 with the following:

9 Approval of the Governing Body. Amend the section heading of RSA 162-G:8 and the introductory paragraph of RSA 162-G:8, I to read as follows:

162-G:8 Approval of [Legislative] **Governing** Body or Industrial Development Authority.

SENATOR MCLANE: This enrolled bill amendment corrects the section heading of section 9 of the bill and the section heading of RSA 162-G:8 to reflect amendments being made to the text of this section.

Senator McLane moved adoption.

Adopted.

6659B

Enrolled Bill Amendment to SB 538

Amend section 1 of the bill by replacing lines 2-3 with the following: section 19 the following new section:

3:20 State Freshwater Fish. The Brook trout, *Salvelinus fontinalis*, is

SENATOR MCLANE: This enrolled bill amendment rennumbers a new RSA section to avoid duplicating the numbering of another new RSA section already inserted by HB 1438 (1994, 79:1).

Senator McLane moved adoption.

Adopted.

6653B

Enrolled Bill Amendment to SB 760-FN-A-LOCAL

Amend RSA 21-J:24-a, V as inserted by section 1 of the bill by replacing line 4 with the following:

or printing of technical assistance documents of a non-binding nature by the

SENATOR MCLANE: This enrolled bill amendment inserts a word which was incorrectly omitted from the text of RSA 21-J:24-a, a new RSA section inserted by section 1 of the bill.

Senator McLane moved adoption.

Adopted.

SENATOR HOUGH (In the Chair): Could I have Senators Currier and Delahunty up here, please?

SENATOR CURRIER: On behalf of your colleagues in the Senate, we would like to present to each of you, as the only outgoing Senators, who are willingly outgoing, we would like to present you with your own New Hampshire Senate Retired teeshirt.

SENATOR MCLANE: I want to say something. I didn't have any gray hair at all when I started this sport and look at me.

SENATOR DISNARD: I would like to take the opportunity not to speak as an outgoing Senator, but today is an example. Rachel Duvernay's retirement, which shows what can happen when everybody in the Senate, and I mean everybody in the Senate, works together towards a gift, worked together towards the party. It shows that when people have a common understanding of what is going on and a willingness to assist, what a wonderful party we had because everybody worked on it. People contributed and we received 156 signatures in her book, and we estimated approximately 200 attending. Again, everybody working together from both sides and that is a good lesson.

SENATOR BLAISDELL: This is a courtesy given to me. Well you just heard that we are going to lose three Senators by their own choice. Senator Wayne King, who will probably go on to bigger and better things. My only advice to you, Wayne, would be that, remember that your family comes first. That is the most important thing in your life. With you, George, Mary is the most important thing for you in your life now, and we certainly wish you well there. With you Susan, Malcolm, of course, is in your life and all of your grandchildren. But when all three of you came into this Chamber, certainly you all had your own agendas and certainly your dedication and your compassion, and well, you will all be long remembered by all of us who have served with you, and we are very proud. I guess if I have any words at all to the three of you, it would be that you have made a difference and that is very, very, important. The only trouble with that is I guess, is that there are those who probably will never, never know, what you, Wayne King, have meant to them and what light that you have given to people and the hope that you have given to people. You, Susan, the same way. The hope that you have given to people. You have taken a lot of beating over the years because you thought so deeply, and felt so deeply, about an issue. They will never know what you have done for them. And to you, George, before them, the school, you were given a great gift. It was a God given gift, to enjoy working with young people, you did that all of your life. Each and every one of you, the three of you, you were given that gift, a great gift, and you used it well. For that, we should all be very, very grateful. When you leave this Chamber, I guess it will be next week now, when we come back for the vetoes. Certainly you can leave and go out that door, each and every one of you, with your head held high, because as I said, you have made a difference. I want to say to you just from myself, that I will always be deeply grateful that your life has touched mine. I love you, all three of you. I wish you all a good life. As I told Rachel today, may you live as long as you want, and as long as you live, may you never want. Thank you very much.

SENATOR SHAHEEN: We have one more presentation that we would like to make on behalf of the Democratic members of the Senate, but really from all of us to George. Thank you for the leadership that you have provided over the last four years. Also for being willing to get along with all of us when you were very cantankerous.

SENATOR DISNARD: If my wife knows that I have this, but I don't bring it home and save it for next Christmas, I am going to be in trouble. I need a knife to open it. Oh my, I think that Jeanne Shaheen ought to have this. It is a clock. From those of you who gave me this, especially with my attitude the last couple of weeks, it means more to me than you realize.

6587B

COMMITTEE OF CONFERENCE REPORT ON SB 580-FN

The committee of conference to which was referred Senate Bill 580-FN, An Act establishing a committee to study future directions for New Hampshire child care licensing policies having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Purpose; Membership. A committee is established to study future directions for New Hampshire child care licensing policies. The committee shall consist of the following members:

I. Two members of the senate, appointed by the senate president.

II. Two members of the house of representatives, appointed by the speaker of the house.

III. Two representatives from the department of health and human services, appointed by the commissioner.

IV. The chairperson of the New Hampshire child care advisory committee, or designee.

V. The New Hampshire coordinator for school-age child care, or designee.

VI. The chief of community recreation, New Hampshire division of parks and recreation, or designee.

VII. The executive secretary of the New Hampshire Boys and Girls Clubs Area Council, or designee.

VIII. The president of the New Hampshire Parks and Recreation Association, or designee.

IX. A postsecondary professor of early childhood education, appointed by the executive director of the postsecondary education commission.

X. A parent whose child is presently involved in child care services or related programs, appointed by the governor.

XI. A representative of the YMCA, appointed by the chairperson of the Executive Cabinet of the Granite State Cluster of YMCAs.

XII. A representative of the New Hampshire Child Care Association, appointed by the association.

XIII. A representative of the New Hampshire Municipal Association, appointed by the association.

XIV. A representative of the New Hampshire Association for the education of Young Children, appointed by the association.

2 Duties; Report. The committee shall:

I. Study the issue of exemptions from child care licensing regulations.

II. Study the variety of child care programs presently operating in New Hampshire and make recommendations for classifying these programs for regulatory purposes.

III. Provide recommendations for appropriate legislation relating to child care licensing regulation.

IV. Issue a report including recommendations for appropriate legislation. The report shall be submitted to the governor, the president of the senate, the speaker of the house, and the state board of education no later than November 1, 1994.

3 Meetings; Chairperson.

I. The first-named member of the house shall call the first meeting within 30 days of the effective date of this act.

II. A chairperson shall be elected by the members of the committee.

III. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. McLane, Dist. 15
Sen. Baldizar, Dist. 11

*Conferees on the Part
of the House*

Rep. Holden, Hills. 14
Rep. Arndt, Rock. 27
Rep. Wadsworth, Graf. 14
Rep. L. Johnson, Hills. 40

AMENDED ANALYSIS

This bill establishes a committee to study future directions for state child care licensing policies and regulations.

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6544B

COMMITTEE OF CONFERENCE REPORT ON SB 589

The committee of conference to which was referred Senate Bill 589, An Act relative to the powers of fiduciaries in environmental matters having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Fraser, Dist. 4
Sen. Russman, Dist. 19
Sen. Lamirande, Dist. 1

*Conferees on the Part
of the House*

Rep. Hart, Hills. 37
Rep. Mittelman, Hills. 37
Rep. Newman, Rock. 4
Rep. Lockwood, Merr. 9

Senator Fraser moved to adopt the Committee of Conference Report.

Adopted.

6549B

COMMITTEE OF CONFERENCE REPORT ON SB 592

The committee of conference to which was referred Senate Bill 592, An Act relative to the display of expired motor vehicle plates having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 Expired Motor Vehicle Plates. Amend RSA 261:77 to read as follows:

261:77 Use of Plates. Except as provided for nonresidents, no number plates other than those procured from the department or authorized by the director shall be displayed on any vehicle so operated. ***No expired number plates shall be displayed. This prohibition on the display of expired number plates shall not supersede the provisions of RSA 261:89-a, nor shall it apply in those cases in which expired number plates are displayed in conjunction with current and authorized plates issued by the director which contain the designation "antique".*** During the month of expiration, the owner of a duly registered vehicle which has been properly registered for the succeeding year may display the number plates for that year in place of those of the current year. The provisions of this section shall also apply to a vehicle which has been exchanged for a vehicle properly registered.

3 Application. Notwithstanding any provision of RSA 651:5 to the contrary, a person who has been convicted of a violation of RSA 266:9, prior to the amendment of that section as provided in section 1 of this act, for having a truck bumper in excess of 20 inches but less than 30 inches in height, may apply at any time to the sentencing court for an annulment of the conviction, and shall not be required to pay the cost of the investigation required under RSA 651:5, V.

4 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. MacDonald, Dist. 3
Sen. Bourque, Dist. 20
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Jasper, Hills. 23
Rep. Malcolm, Rock. 22
Rep. Regan, Merr. 12
Rep. Raynowska, Rock. 26

AMENDED ANALYSIS

This bill corrects a typographical error in RSA 266:9 by changing the word "truck" to "trunk". The bill's application section allows persons who were convicted under RSA 266:9, prior to its amendment correcting the error, to apply for an annulment of the conviction.

The bill also prohibits the display of expired number plates, while making an exception for antique motor car plates.

Senator MacDonald moved to adopt the Committee of Conference Report.
Adopted.

6612B

COMMITTEE OF CONFERENCE REPORT ON SB 618

The committee of conference to which was referred Senate Bill 618, An Act changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation" having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
 Sen. J. King, Dist. 18
 Sen. Baldizar, Dist. 11

*Conferees on the Part
of the House*

Rep. Hager, Merr. 18
 Rep. Woods, Rock. 25
 Rep. Holden, Hills. 14
 Rep. I. Pratt, Ches. 5

Senator Podles moved to adopt the Committee of Conference Report.

Adopted.

6607B

COMMITTEE OF CONFERENCE REPORT ON SB 644-FN-A

The committee of conference to which was referred Senate Bill 644-FN-A, An Act appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101 having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Shaheen, Dist. 21
 Sen. Cohen, Dist. 24
 Sen. MacDonald, Dist. 3

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1
 Rep. J. Chandler, Merr. 1
 Rep. K. Rogers, Merr. 22
 Rep. Schotanus, Sull. 3

Senator Shaheen moved to adopt the Committee of Conference Report.

Adopted.

6631B

COMMITTEE OF CONFERENCE REPORT ON SB 650-FN-A

The committee of conference to which was referred Senate Bill 650-FN-A, An Act establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 6 with the following:

7 Consultant Added. Amend RSA 162-F:17, III to read as follows:

III. After the requirements for the funds have been established, the committees shall meet at least once a year and, for good cause, the committees may increase or decrease the amount of the funds pursuant to RSA 162-F:22, I, or may alter the funding schedules because of changed circumstances delineated in RSA 162-F:22, II. Each committee *and the office of the attorney general* may hire such temporary help, *including consultants*, as [it deems] *they deem* necessary to carry out [its] *their* duties under this subdivision. The appointed resident member of each committee is authorized \$40 for each day actually engaged in the duties of the committee.

8 Expenses of the Committee. Amend RSA 162-F:18 to read as follows:

162-F:18 Expenses of Committee. The reasonable expenses of each committee, *and the office of the attorney general* including *the services*

of a consultant, and clerical and technical assistance, shall after approval by the public utilities commission be a charge against the owner or owners of the facility.

9 Applicability. The provisions of sections 6-8 of this act shall apply to all current, pending and future proceedings.

10 New Sections; Lead Abatement Loans. Amend RSA 204-C by inserting after section 57 the following new sections:

204-C:57-a Lead Abatement Loans. Notwithstanding the provisions of RSA204-C:57, the authority may make loans under the affordable housing fund to for-profit and nonprofit property owners for lead abatement purposes. Such loan shall support lead abatement in properties which meet the following criteria:

I. Properties which are subject to abatement orders issued under RSA130-A:7, II.

II. Properties in which children, as defined in RSA 130-A:1, I, reside.

III. Properties for which application has been made and assistance denied from other sources.

IV. Properties which provide affordable units to persons of low and moderate income as defined in RSA 204-C:56, IV and V.

204-C:57-b Funding for Lead Abatement Loans. The authority may allocate up to 1/2 of the fees paid to the authority from the development of qualified residential rental projects financed by bonds issued under Section 142(d) of the Internal Revenue Code of 1986, as amended, to support loans made pursuant to RSA 204-C:57-a. The authority may use up to 10 percent of any fee income allocated for lead abatement loans to cover the administrative expenses associated with such loans.

11 Rulemaking Added; Administrative Procedure Act Requirement Deleted. Amend RSA 204-C:62 to read as follows:

204-C:62 Rulemaking. [Notwithstanding] **Pursuant** RSA 204-C:53, the authority shall adopt rules [under RSA 541-A] governing the affordable housing fund. Such rules shall include, but shall not be limited to:

I. Eligibility requirements for applicants.

II. Criteria for eligible projects, including, but not limited to, construction and quality standards.

III. Procedures for monitoring the implementation and management of projects.

IV. Reasonable fees to offset the cost of monitoring the operation of projects funded under this subdivision.

V. Requirements for long-term affordability of housing units in projects financed under this subdivision. Such requirements shall ensure that, at a minimum, at least 50 percent of the units in a project shall remain affordable to low and moderate income persons for the period of any loan or 20 years, whichever is longer, **provided that the authority may establish different long-term affordability requirements for loans made under RSA 204-C:57-a.**

VI. Requirements regarding rents and fees which may be charged for housing units funded under this subdivision.

VII. Restrictions on the ability of loan recipients to convert housing units constructed under this subdivision to uses other than those permitted by this subdivision and provisions for financial penalties and equity sharing if such conversion occurs.

VIII. Requirements regarding eligibility for loans under RSA204-C:57-a and the terms of such loans.

[VIII.]IX. Any other matter necessary for the administration of this subdivision.

12 Certain Rulemaking Deleted. Amend RSA 204-C:62, V to read as follows:

V. Requirements for long-term affordability of housing units in projects financed under this subdivision. Such requirements shall ensure that, at a minimum, at least 50 percent of the units in a project shall remain affordable to low and moderate income persons for the period of any loan or 20 years, whichever is longer[, provided that the authority may establish different long-term affordability requirements for loans made under RSA 204-C:57-a].

13 Repeal. The following are repealed:

I. RSA 204-C:57-a and 204-C:57-b, relative to lead abatement loans.

II. RSA 204-C:62, VIII, relative to loan requirements.

14 Effective Date.

I. Sections 12 and 13 of this act shall take effect July 1, 1995.

II. The remainder of this act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Shaheen, Dist. 21

Sen. J. King, Dist. 18

Sen. Lovejoy, Dist. 6

*Conferees on the Part
of the House*

Rep. F. Torr, Straf. 12

Rep. R. Johnson, Rock. 1

Rep. Klemm, Rock. 28

Rep. Wallner, Merr. 24

AMENDED ANALYSIS

This bill establishes a committee to study and identify funding sources for assisting property owners in complying with orders for lead base paint abatement.

The bill allows the speaker of the house and the senate president to appoint designees from the legislative fiscal committee to serve on nuclear decommissioning financing committees.

The bill allows the nuclear decommissioning financing committees to utilize the services of consultants. The cost of a consultant shall be part of the expenses of the committee and the office of the attorney general and shall be a charge against the owner or owners of the facility.

The bill also allows the housing finance authority to make loans to eligible persons for lead abatement loans.

Senator Shaheen moved to adopt the Committee of Conference Report.

Adopted.

6547B

COMMITTEE OF CONFERENCE REPORT ON SB 667-FN

The committee of conference to which was referred Senate Bill 667-FN, An Act relative to guardians ad litem appointed in child protection cases having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 169-C:10-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The CASA guardian ad litem shall have the same authority and access to information as any other guardian ad litem.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Hollingworth, Dist. 23
Sen. Baldizar, Dist. 12

*Conferees on the Part
of the House*

Rep. Battles, Rock. 18
Rep. Woods, Rock. 25
Rep. DePecol, Ches. 14
Rep. R. Johnson, Rock. 1

Senator Podles moved to adopt the Committee of Conference Report.

Adopted.

6628B

COMMITTEE OF CONFERENCE REPORT ON SB 671-FN-A

The committee of conference to which was referred Senate Bill 671-FN-A, An Act negating the repeal of tax credits against the business profits tax and the investment tax credit having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Investment Tax Credit. Amend RSA 162-L:8, III to read as follows:

III.(a) The credit provided by this section shall apply to contributions made *or pledged* to the authority on or before June 30, [1996] **1994. Such credit shall be available to contributors on or after contributions for which credit is to be taken are actually received by the authority.**

(b) All contributions must be received within 5 years after the pledge is made to be eligible for credit.

(c) Contributions received by the authority as a result of pledges made on or before June 30, 1994, for which credit is to be taken shall not exceed \$2,000,000 in any state fiscal year ending after June 30, 1994. Pledged contributions received by the authority in excess of \$2,000,000 in any state fiscal year ending after June 30, 1994, shall not be eligible for credit in such year but may be carried forward to the next succeeding fiscal year or years and shall be given priority in determining the total contributions eligible for credit in such year; provided that such excess pledged contributions shall not be carried forward after June 30, 1999. The total amount of contributions received under this paragraph which shall be eligible for credit during the 5 year period shall not exceed \$10,000,000.

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 3 of this act shall take effect upon its passage and shall apply retroactively to returns and taxes due on or after July 1, 1993.

II. The remainder of this act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Blaisdell, Dist. 10
Sen. Hough, Dist. 5

*Conferees on the Part
of the House*

Rep. Cowenhoven, Hills. 14
Rep. Nichols, Merr. 2
Rep. Jasper, Hills. 23
Rep. Pageotte, Straf. 14

Senator McLane moved to adopt the Committee of Conference Report.

Adopted.

6502B

COMMITTEE OF CONFERENCE REPORT ON SB 672-FN

The committee of conference to which was referred Senate Bill 672-FN, An Act requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of RSA 363:32, I(a) as inserted by section 1 of the bill by replacing it with the following:

363:32 Designation of Employees.

I.(a) Whenever the commission conducts an adjudicative proceeding in accordance with the provisions of RSA 541-A:16 through RSA 541-A:20, the commission shall designate members of its staff as staff advocates and decisional employees, if requested by a party with full rights of participation in the proceeding, when:

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9

Sen. Fraser, Dist. 4

Sen. Bourque, Dist. 20

*Conferees on the Part
of the House*

Rep. Rodeschin, Sull. 4

Rep. McRae, Hills. 7

Rep. Gilmore, Straf. 11

Rep. Peters, Hills. 8

Senator Roberge moved to adopt the Committee of Conference Report.

Adopted.

6554B

COMMITTEE OF CONFERENCE REPORT ON SB 688-LOCAL

The committee of conference to which was referred Senate Bill 688-LOCAL, An Act relative to redemption of property subject to tax liens for the elderly and disabled having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7

Sen. Bourque, Dist. 20

Sen. J. King, Dist. 18

*Conferees on the Part
of the House*

Rep. Perry, Ches. 11

Rep. Fesh, Rock. 13

Rep. Noyes, Rock. 26

Rep. P. Bradley, Coos 6

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

6570B

**COMMITTEE OF CONFERENCE REPORT
ON SB 701-FN-A-LOCAL**

The committee of conference to which was referred Senate Bill 701-FN-A-LOCAL, An Act relative to establishing a conference center in the lakes

region and making an appropriation therefor and extending a study committee having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4, respectively.

*Conferees on the Part
of the Senate*

Sen. W. King, Dist. 2

Sen. Fraser, Dist. 4

Sen. Colantuono, Dist. 14

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1

Rep. McCarty, Hills. 38

Rep. Keans, Straf. 16

Rep. K. Rogers, Merr. 22

Senator W. King moved to adopt the Committee of Conference Report.

Adopted.

6596B

COMMITTEE OF CONFERENCE REPORT ON SB 709-FN

The committee of conference to which was referred Senate Bill 709-FN, An Act relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10:

8 New Paragraph; Administration of Medications by Hospice House Staff Members. Amend RSA 326-B:17 by inserting after paragraph VIII the following new paragraph:

IX.(a) The administration of medications by any person employed or under contract to provide direct care to residents of a hospice house as defined in RSA 151-C:2, XIX-b and licensed under RSA 151 and rules adopted under that chapter as a hospice house under the supported residential care level of care by the New Hampshire department of public health services who:

(1) Is an employee of, or under contract with, a hospice house duly licensed by the division of public health services; and

(2) Has successfully completed a medication administration program approved by the board of nursing and conducted by a registered nurse licensed under this chapter. The board of nursing shall adopt rules, pursuant to RSA 541-A, relative to the criteria for the medication administration program and the process of approval for a registered nurse to conduct the program.

(b) The authorization granted by subparagraph (a) shall be limited to the administration of medications:

(1) When authorized by a registered nurse who has conducted an assessment of the resident and evaluated the medication order and medications prescribed for the resident;

(2) By a route other than injection, except for subcutaneous injections when the person administering the medication and the resident receiving the medication have been authorized by a registered nurse; and

(3) To residents of a hospice house to which the person administering the medication is regularly assigned.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. McLane, Dist. 15
Sen. Baldizar, Dist. 12

*Conferees on the Part
of the House*

Rep. Amidon, Hills. 9
Rep. F. Torr, Straf. 12
Rep. R. Wheeler, Hills. 7
Rep. Haettenschwiller, Hills. 29

AMENDED ANALYSIS

This bill:

(1) Makes changes mandated by the 1993 Omnibus Budget Reconciliation Act.

(2) Repeals the statute relative to medical assistance for pregnant women and infants which is now covered by the children's health plan.

(3) Changes the date on which medical child support orders must begin to include provisions concerning wage assignment.

(4) Authorizes the director of the division of public health services, department of health and human services to appoint 4 physicians, with the consent of the commissioner.

(5) Authorizes certain hospice house staff members to administer medications under certain circumstances.

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6637B

COMMITTEE OF CONFERENCE REPORT ON SB 740-FN

The committee of conference to which was referred Senate Bill 740-FN, An Act relative to employee leasing having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Severability. If any provisions of this act, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 1994.

II. RSA 277-B:3 as inserted by section 1 of the bill shall take effect upon its passage.

III. The remainder of this act shall take effect October 1, 1994.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. MacDonald, Dist. 3
Sen. Shaheen, Dist. 21

*Conferees on the Part
of the House*

Rep. B. Packard, Hills. 19
Rep. Newland, Merr. 15
Rep. Teschner, Graf. 5
Rep. Kurk, Hills. 5

AMENDED ANALYSIS

This bill requires the licensing of employee leasing companies and also establishes standards for operation and regulation of such companies. An application fee is established.

This bill also makes an appropriation to the department of labor.

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6577B

COMMITTEE OF CONFERENCE REPORT ON SB 747-FN

The committee of conference to which was referred Senate Bill 747-FN, An Act relative to lease-purchase agreements having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Rent-To-Own Agreement Not a Security Interest. Amend the introductory paragraph of RSA 382-A:1-201(37) to read as follows:

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts or chattel paper which is subject to Article 9. The special property interest of a buyer of goods on identification of those goods to a contract for sale under Section 2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a consignment is intended as security, reservation of title thereunder is not a "security interest", but a consignment in any event is subject to the provisions on consignment sales (Section 2-326). ***A rent-to-own agreement, defined in RSA358-O:2, V, shall not create or be construed as a "security interest."*** Whether a transaction creates a lease or security interest is determined by the facts of each case; however, a transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease not subject to termination by the lessee, and

*Conferees on the Part
of the Senate*

Sen. Fraser, Dist. 4
Sen. Baldizar, Dist. 12
Sen. Lamirande, Dist. 1

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10
Rep. R. Hill, Graf. 1
Rep. Mercer, Hills. 27
Rep. Newland, Merr. 15

Senator Fraser moved to adopt the Committee of Conference Report.

Adopted.

6635B

COMMITTEE OF CONFERENCE REPORT ON SB 758-FN

The committee of conference to which was referred Senate Bill 758-FN, An Act relative to a civil filing fee surcharge for civil legal assistance to low-income persons having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 490:26-g as inserted by section 1 of the bill by replacing it with the following:

490:26-g Additional Fees in Civil Actions. In addition to the entry fees established by the supreme court pursuant to RSA 490:26-a, an entry fee surcharge of \$5 shall be collected by the clerk of court in all civil actions filed in the municipal, district, superior, and probate courts. The amounts so collected shall be paid by the clerk of court to the state treasurer and credited to a special account in the state treasury. This account shall be nonlapsing. The judicial council shall remit such funds quarterly to New Hampshire Legal Assistance, and such funds are hereby continually appropriated. New Hampshire Legal Assistance shall use any funds received pursuant to this section for the provision of civil legal representation to low-income persons in the state. New Hampshire Legal Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its use of funds received under this section.

Amend the bill by inserting after section 1 the following new section and renumbering the original section 2 to read as 3:

2 New Subparagraph; Special Account. Amend RSA 6:12, I by inserting after subparagraph (hhh) the following new subparagraph:

(iii) Moneys received under RSA 490:26-g, which shall be credited to the special account for New Hampshire Legal Assistance's civil legal representation of low-income persons.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Hollingworth, Dist. 23
Sen. Baldizar, Dist. 12

*Conferees on the Part
of the House*

Rep. Lockwood, Merr. 9
Rep. Newman, Rock. 4
Rep. R. Wheeler, Hills. 7
Rep. F. Torr, Straf. 12

Senator McLane moved to adopt the Committee of Conference Report.

Adopted.

6592B

COMMITTEE OF CONFERENCE REPORT ON SB 761-A

The committee of conference to which was referred Senate Bill 761-A, An Act relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court hereby declares that the purpose of this act is to improve the economy of the state, that rail service is indispensable to certain areas of the state, there is a need to provide and maintain efficient and viable rail lines of New Hampshire class III railroads, there is a need to keep rail lines of class III railroads in the private sector by utilizing qualified short line operators, and that there is a need to provide for limited state support funds for local rail assistance to maintain the rail lines of short line railroads.

2 Class III Railroad Capital Rail Line Rehabilitation Revolving Loan Fund. Notwithstanding any provision of law, there is hereby established the class III railroad capital rail line rehabilitation revolving loan fund. This fund shall be spent on rehabilitating the rail lines of class III railroads that are included in the New Hampshire state rail plan as updated and which meet the requirements of the benefit/cost analysis as prepared by the department of transportation, bureau of railroads and public transportation. Loans provided to operators of class III railroads for rehabilitating the rail lines shall be approved by governor and council.

3 Appropriation. The sum of \$2,500,000 is hereby appropriated, in addition to any other sums appropriated, to the department of transportation, bureau of railroads and public transportation to be deposited in the class III railroad capital rehabilitation revolving loan fund for the fiscal year ending June 30, 1995, for the purpose of rehabilitating the rail lines of class III railroads. This appropriation shall be nonlapsing and continuing and shall be subject to RSA 228:66, III and IV.

4 Bonds Authorized. To provide for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding \$2,500,000 for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

5 Loans. The operator of the class III railroad provided a loan under this act shall be required to furnish assurance by signed agreement with the state to continue utilization of the line involved on an annual basis at a tonnage level of at least 80 percent of their annual tonnage average over the 3 years preceding the agreement, provided that enforcement of such assurance shall be preceded by a finding by the commissioner that any shipping rate increases during such period are reasonable.

6 Repayment of Loans. The operator of the class III railroad shall repay any loan made pursuant to section 2 of this act upon such terms and conditions as are recommended by the department of transportation, bureau of railroads and public transportation. The term of the loan shall be no less than 5 years and no longer than 20 years, and shall to the extent possible consistent with this section be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the operator of the class III railroad and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds authorized by section 4 of this act used to fund the loan.

7 Lien Securing Loan. A lien on the improved property shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the operator of the class III railroad. The lien shall be recorded in the registry of deeds of the county or counties in which the improved property is situated and shall not supercede any lien created by a mortgage affecting such property. The lien shall only expire when the loan has been repaid.

8 Deleting Appropriation for the Portsmouth-Massachusetts State Line Branch Line. Amend 1985, 350:1-3 to read as follows:

350:1 Rehabilitation of Certain Branch Lines. The railroad division of the department of public works and highways is hereby authorized to rebuild, modernize and maintain the [Portsmouth-Massachusetts state line,] Rollinsford-Rochester, Rochester-Ossipee, Nashua-Bennington, and Claremont-Concord railroad branch lines. The general court recognizes that the continuation of these branch lines depends upon their rebuilding, modernization and maintenance.

350:2 Appropriation. There is hereby appropriated to the railroad division of the department of public works and highways for the purposes of section one of this act the sum of [\$2,515,000] **\$2,055,000** to be used for the purposes of rebuilding, modernization and maintenance of the [Portsmouth-Massachusetts state line,] Rollinsford-Rochester, Rochester-Ossipee, Nashua-Bennington, and Claremont-Concord branch lines. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

350:3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$2,515,000] **\$2,055,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA6-A. Payments of principal and interest of the bonds shall be made from the general funds of the state.

9 Repeal. 1985, 350:4, I, relative to an appropriation made for the Portsmouth-Massachusetts state line branch line, is repealed.

10 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. MacDonald, Dist. 3
Sen. Shaheen, Dist. 21
Sen. Lamirande, Dist. 1

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1
Rep. Pfaff, Merr. 11
Rep. K. Rogers, Merr. 22
Rep. Schotanus, Sull. 3

AMENDED ANALYSIS

The bill appropriates funds to the department of transportation, bureau of railroads and public transportation, to make loans to rehabilitate the rail lines of class III railroads.

The bill repeals an appropriation for rehabilitation of the Portsmouth-Massachusetts state line branch line.

Senator MacDonald moved to adopt the Committee of Conference Report.

Adopted.

6562B

COMMITTEE OF CONFERENCE REPORT ON SB 763

The committee of conference to which was referred Senate Bill 763, An Act establishing an executive board for community service having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 2 and 3 with the following:

2 New Chapter; New Hampshire Executive Board for National and Community Service Established. Amend RSA by inserting after RSA 19-E the following new chapter:

CHAPTER 19-F

NEW HAMPSHIRE EXECUTIVE BOARD FOR NATIONAL AND COMMUNITY SERVICE

19-F:1 New Hampshire Executive Board for National and Community Service Established; Membership.

I. There is hereby created a New Hampshire executive board for national and community service, hereinafter called the board. The board shall be comprised of a diverse group of New Hampshire citizens, adhering to the

guidelines in the National and Community Service Trust Act. The board shall be bipartisan, and consist of at least 15 but not more than 25 individuals reflecting the department of education, senior citizen, national service programs, environmental, local government, community service, labor, education, business, and youth groups.

II. Voting status shall be limited to members who represent these backgrounds.

III. The governor shall appoint all members. The first 10 members appointed shall serve a term of 2 years. The remaining members appointed shall serve a term of 3 years. Thereafter, all members shall serve terms of 3 years.

IV. The New Hampshire Job Training Council shall recommend appropriate board members to the governor.

V. All applicants to the board shall be considered regardless of race, ethnicity, gender, age, disability, or political affiliation.

VI. The governor shall appoint ex officio members to ensure input into the drafting of state priorities for awarding local program grants.

19-F:2 Duties. The board shall:

I. Actively participate in developing a 3-year service plan. The board shall receive planning input from the interested public and from community service providers.

II. Translate popularly expressed priorities into programming objectives when developing a request for proposals to solicit applications from political subdivisions. The request for proposals shall be developed to elicit quality proposals from across the state, asking applicants to propose measurable, meaningful objectives for their programs.

III. Apply for AmeriCorps program funds for both the population-based formula funds and the competitive funds in response to the proposals solicited by the request for proposals. Procedures for reviewing proposals and preselecting political subdivision programs shall be open and competitive.

IV. Provide technical assistance to applicants for AmeriCorps funds.

V. Coordinate and collaborate with other service providers throughout the state.

19-F:3 Administration. The New Hampshire Job Training Council shall provide support and administrative staff for the board.

3 Prospective Repeal. RSA 19-F relative to the New Hampshire executive board for national and community service, is repealed.

*Conferees on the Part
of the Senate*

Sen. Shaheen, Dist. 21
Sen. J. King, Dist. 18
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. K. Ward, Graf. 1
Rep. A. Torr, Straf. 12
Rep. Gosselin, Hills. 45
Rep. Kidder, Merr. 2

AMENDED ANALYSIS

This bill establishes a New Hampshire executive board for national and community service. The board may apply to receive funds for community-based AmeriCorps programs and shall provide technical assistance and information to applicants for AmeriCorps funds. The board shall also help develop a 3-year service plan.

Senator Shaheen moved to adopt the Committee of Conference Report.

Adopted.

6573B

COMMITTEE OF CONFERENCE REPORT ON SB 772-FN

The committee of conference to which was referred Senate Bill 772-FN, An Act authorizing involuntary civil commitment for certain individuals and making appropriations therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 11 with the following:

12 Appropriations.

I. The sum of \$52,305 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of corrections for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The director of the division of mental health and developmental services shall submit a report by October 1, 1994 to the fiscal committee outlining a plan for expenditures to comply with RSA 171-B:12, I and II. At such time, funds required to comply with this act are hereby appropriated, subject to prior approval of the fiscal committee and the governor and council. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

13 Applicability. The provisions of this act shall apply to acts leading to a felony charge which occur on or after the effective date of this act.

14 Effective Date. This act shall take effect January 1, 1995.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. McLane, Dist. 15
Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. D. Sytek, Rock. 26
Rep. F. Torr, Straf. 12
Rep. Lozeau, Hills. 30
Rep. Knowles, Straf. 11

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6645B

COMMITTEE OF CONFERENCE REPORT ON SB 791-FN-A

The committee of conference to which was referred Senate Bill 791-FN-A, An Act establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Membership. There is established a committee to study the issue of establishing health care provider cooperative agreements in New Hampshire. The members of the committee shall be as follows:

I. Three members of the house of representatives, appointed by the speaker of the house.

II. Three members of the senate, appointed by the president of the senate.

2 Duties. The committee shall study the issue of establishing health care provider cooperative agreements in New Hampshire. The committee's study shall include, but not be limited to, the following:

I. The Maine Hospital Cooperation Act of 1992.

II. The New Hampshire and federal antitrust laws.

III. Barriers that may exist among health care providers in New Hampshire.

IV. Initiatives that the Federal Trade Commission issued in September, 1993.

V. Any other relevant information.

3 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named house member within 30 days of the effective date of this section. The members of the committee shall receive mileage at the legislative rate when attending to their duties on the committee.

4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1995 legislative session, to the speaker of the house, the president of the senate, and the governor on or before November 1, 1994.

5 Health Care Transition Fund Allocation.

I. The following sums are appropriated as indicated for the fiscal year ending June 30, 1995, and shall be charged against the health care transition fund:

(a) The sum of \$705,000 is appropriated to the office of the commissioner, department of health and human services for the purpose of establishing the office of health planning to develop, under a process established by the legislature, a state health plan as defined in RSA 126-A:105, to develop policy options for the department and its divisions, and to coordinate data collection functions of all agencies involved in health care reform activities.

(b) The sum of \$750,000 is appropriated to the office of alcohol and drug abuse prevention for the following:

(1) To expand halfway houses and residential programs for adults, adolescents and women and children.

(2) To establish crisis intervention and social detoxification services in areas currently unserved.

(3) To support medical heroin detoxification and related residential services.

(4) To support comprehensive programs for persons with mental illnesses and substance abuse problems.

(c) The sum of \$1,335,000 is appropriated to the division of public health services for the following purposes:

(1) To develop health clinics to provide primary preventive health services for low-income and underserved populations.

(2) To establish a statewide network of family support services of families of children with chronic illness.

(3) To recruit primary care physicians, nurse practitioners, and physician assistants, support them in serving rural areas and areas of high primary care needs, and establish linkages to facilitate academic training and consultations.

(4) To provide technical assistance to communities, health care agencies, and primary care providers developing comprehensive care services.

(d) The sum of \$1,387,500 is appropriated to the division of mental health and developmental services for the following purposes:

(1) To develop and maintain services to meet the mental health needs of children and families which shall include family-centered individual support services necessary to improve the mental health status of children who have or who are at risk of having serious emotional disorders.

(2) To prepare for and respond to state and federal health care reform initiatives including the design and development of information systems required for service planning, cost allocation, and monitoring services utilization.

(3) To prepare and submit for approval a waiver to federal Medicaid regulations under section 1115 of Title XIX of the Social Security Act for the development of a range of community-based services for adults and children with serious mental illnesses to include the integration of components of New Hampshire hospital with the community mental health system.

II. The sum of \$1,951,000 is appropriated for the fiscal year ending June 30, 1996, to the office of the commissioner, department of health and human services for the purpose of establishing a subsidized insurance program providing affordable comprehensive coverage for low-income workers employed in small businesses. This appropriation shall be a charge against the health care transition fund.

III. The appropriations made in paragraphs I and II shall be established in separate accounts and shall not be transferred or used for any other purpose. Unexpended balances shall lapse to the health care transition fund.

6 Positions Authorized. The agencies receiving appropriations under section 5 of this act are authorized to establish such positions as are necessary to carry out the provisions of this act subject to approval of the fiscal committee and governor and council. Funds to support salaries, benefits and related expenses for these positions shall be a charge against the health care transition fund.

7 New Subdivision; New Hampshire Health Care Reform Coordinating Committee. Amend RSA 126-A by inserting after section 102 the following new subdivision:

New Hampshire Health Care Reform
Coordinating Committee

126-A:103 New Hampshire Health Care Reform Coordinating Committee.

I.(a) There is hereby created a New Hampshire health care reform coordinating committee. The committee shall consist of 17 members as follows:

(1) The commissioner of health and human services.

(2) The insurance commissioner.

(3) One representative, appointed by the speaker of the house.

(4) One senator, appointed by the president of the senate.

(5) Three health care providers, including one person with professional experience as a primary care practitioner and graduate training and experience in health planning or public health policy, one person with significant knowledge and experience in the area of hospital administration and health care financing and cost containment, and one person with significant knowledge and experience in the area of long-term care, including in-home care.

(6) Two health care purchasers who are owners or chief executive officers of businesses in this state, including one person who heads a business with more than 250 employees working in the state and one person who heads a business in the state with fewer than 50 employees.

(7) Three health care consumers. At least one of the consumer members shall have significant knowledge of social service delivery systems and the needs of the medically underserved.

(8) The attorney general, as an ex officio member.

(9) The governor, or designee.

(10) A person involved in medical education.

(11) A representative of the healthy kids corporation, appointed by the healthy kids corporation board.

(12) A representative of the insurance industry.

(b) The consumer and business members shall be without any present or past professional affiliation with, financial interest in, or employment by any segment of the health care industry.

II. The member involved in medical education, the member representing the insurance industry, and the provider, purchaser and consumer members of the committee shall be appointed by the governor and council.

III. The members appointed by the governor shall be appointed for terms of 4 years, except that, of the initial members, 4 members shall be appointed for a term of 2 years, 3 shall be appointed for a term of 3 years, and 3 shall be appointed for a term of 4 years. Committee members who are members of the general court shall serve for a 2-year term or until their successors are appointed. The commissioners shall serve coterminous with their term in office. The terms of initial members shall include an additional period of time between appointment and September 15, 1994. The members may be reappointed for one additional term. The chair and vice-chair shall be elected by the committee members at the first meeting. Members shall not serve as chair or vice chair for more than 2 consecutive 2-year terms.

IV. A member of the committee may resign upon written notice to the governor. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term of the original appointee. A member of the committee may be discharged pursuant to RSA 4:1.

V. The members of the committee appointed by the governor shall not receive a salary but shall receive mileage at the state employee rate and shall be reimbursed for reasonable expenses incurred in carrying out their duties under this subdivision. Legislative members shall receive legislative mileage when attending to their duties on the committee.

126-A:104 Administration of the Committee; Rulemaking.

I. The commissioner of health and human services, with the approval of the committee, may make professional and support staff from within the department of health and human services available to the committee and may also employ consultants and contract with individuals and entities for the provision of services as necessary to accomplish the purposes of this subdivision.

II. The commissioner, in consultation with the committee, shall adopt rules, under RSA 541-A, necessary to implement the provisions of this subdivision.

126-A:105 New Hampshire Health Plan.

I. It is the intent of the legislature to create the New Hampshire health plan in order to provide a vehicle for health care reform. The New Hampshire health plan shall be developed by the committee and the office of health planning and development with public input. The plan shall include, but not be limited to, the goals and principles of health care reform that shall strive to achieve a continuum of basic health care with an em-

phasis on preventive care, availability of primary care providers, insurance reform, tort reform, universal coverage, accessibility, comprehensiveness, affordability, cost control and accounting to benefit all citizens of the state of New Hampshire. It shall represent a comprehensive, coordinated approach to health care reform and shall be composed of multiple goals and strategies. The legislature intends that the plan address specific goals and strategies related to cost containment, quality of care, data collection and analysis, information availability, financing, and reforms in regulatory programs. The plan shall specify subgoals, quantifiable objectives, strategies, and resource requirements.

II. A health resource allocation plan shall be included as a component of the state health plan. The resource allocation plan shall utilize available data to assess the health status of residents of this state, evaluate the adequacy, accessibility, and affordability of health services and facilities, assess government-financed programs that provide health insurance coverage, and address other local and state health care issues. The resource allocation plan shall promote accessibility of primary and preventive care and control proliferation of tertiary care. The resource allocation plan shall identify the health care, facility and human resource needs in New Hampshire, the resources available to meet those needs, and priorities for addressing those needs on a statewide basis. With respect to the analysis of need, the resource allocation plan shall include:

(a) Identification of the current supply and distribution of hospital, nursing home and other inpatient services; home health and mental health services; treatment services for alcohol and drug abuse; emergency care; ambulatory care services, including primary care resources; human resources; major medical equipment; and health screening and early intervention services.

(b) A determination of the appropriate supply and distribution of the resources and services identified in subparagraph II(a) of this section, and mechanisms which will encourage the appropriate integration of these services on a local or regional basis. To arrive at such determination the board shall consider the following factors: the needs of the population on a statewide basis; the needs of particular geographic areas of the state; the use of New Hampshire facilities by out-of-state residents; the use of out-of-state facilities by New Hampshire residents; the needs of populations with special health care needs; the desirability of providing high quality services in an economical and efficient manner, including the appropriate use of mid-level practitioners; and the cost impact of these resource requirements on health care expenditures.

(c) A component which addresses health promotion and disease prevention.

III. The committee and the office of health planning and development shall develop the New Hampshire health plan at the earliest practicable date. The plan shall be revised as necessary and not less often than every 3 years. The office of health planning and development shall develop an initial draft plan. The committee shall then conduct a public hearing on the draft plan in each county in the state, and shall give interested persons an opportunity to submit their views orally and in writing. Not less than 30 days prior to any such hearing, the committee shall publish, in a manner designed to reach all interested persons, the time and place of the hearing, the place at which interested persons may review the proposed plan in advance of the hearing and the place and period during which to direct written comment to the committee. After completion of the public hearings, the committee shall produce a written summary of and response to the views expressed at the public hearings and shall recommend such changes

to the draft plan as necessary and appropriate to implement the purposes of this subdivision. After consideration of the committee's recommendations, the office of health planning and development shall approve a final plan.

126-A:106 Committee; Other Powers and Duties.

I. The committee shall serve as the primary state entity responsible for overseeing the implementation of state level health care reform initiatives including any future health care reform initiatives required by the federal government.

II. The committee shall be responsible to ensure public participation in decision making about health care reform initiatives and to encourage regional and local participation in decision-making about health care delivery, financing and provider supply.

III. The committee shall be responsible for developing initiatives for promoting the availability of affordable, comprehensive insurance coverage. In the first instance, the committee shall assess the feasibility of consolidating purchasing groups such as public, nonprofit and small business employees on a voluntary basis to establish a large group, voluntary purchasing cooperative. The committee shall include in its November 1, 1995, annual report, recommendations for a purchasing cooperative structure. If a purchasing cooperative design is approved by the legislature, the committee shall oversee its implementation. The purpose of the purchasing cooperative shall be to contain or reduce health care costs and increase access to comprehensive coverage and quality services by coordinating and enhancing the purchasing power of purchasers of health care benefit plans for the groups included in the cooperative.

IV. The committee shall be responsible for developing initiatives for promoting cost containment. In the first instance, the committee shall develop at the earliest practicable time voluntary annual health care expenditure targets. The expenditure targets shall include expenditure or cost ceilings for various sectors and subsectors of the health care delivery system, including health care facilities, health care providers, and types of services or encounters. The targets shall be voluntary and designed to encourage providers, insurers, employers, and consumers to reduce the rate of health care costs inflation. The annual costs containment targets established by the committee shall provide a benchmark against which participants in the voluntary plan can measure the effectiveness of their specific efforts. The program is intended to produce voluntary reductions in prices and administrative overhead, increases in volume discounting, and other measures to reduce the cost of health care. The targets are also intended to help measure the growth of the health care system, identify needs for further cost control mechanisms, and assist in the development and allocation of necessary resources.

V. The committee shall provide an opportunity for public input on annual expenditures proposed to be made from the health care transition fund, if established, and shall make recommendations on such expenditures.

VI. In addition to any other power or duty authorized by law, the committee may:

(a) In conjunction with the department of health and human services, the division of public health services and other entities, provide assistance to local communities, institutions, and provider groups in the development of organized primary health care systems throughout the state.

(b) Investigate the possibility of establishing a program for reducing the cost of prescription drugs in this state.

126-A:107 Annual Report. On or before November 1, 1994, and on or before November 1 each year thereafter, the committee shall submit a report to the governor, the president of the senate, and the speaker of the house detailing its progress in carrying out the requirements of this subdivision and including recommendations for legislation for the coming legislative session which, in the opinion of the committee, is necessary to carry out its mandate under any part of this subdivision or to achieve the goals of the New Hampshire health plan or, more generally, to address the principles for health care reform as defined in RSA 126-A:105. A copy of this report shall be made available to members of the public upon request.

8 Director, Health Planning. Amend RSA 94:1-a, I by:

I. Deleting in group O, deputy commissioner of health and human services.

II. Inserting in group O, director, health planning.

9 New Section; Director of Health Planning. Amend RSA 126-A by inserting after section 4-d the following new section:

126-A:4-e Director, Health Planning. Subject to the approval of the governor and council, the commissioner of health and human services shall appoint a director, health planning who shall serve for a term of 4 years and until a successor is appointed. Any vacancy shall be filled for the full 4-year term in the same manner as the original appointment. The director shall perform such duties as may be assigned to such director by the commissioner, which may include, but not be limited to, the authority and power, with approval of the commissioner, to direct and supervise the development of health planning activities of the department. The annual salary of the director, health planning shall be as prescribed in RSA 94:1-a. Salary, fringe benefits and related costs of the director, health planning shall be a charge against the health care transition fund.

10 Director, Health Planning. Amend RSA 126-A:58 to read as follows:

126-A:58 Office Established; Office of Health Planning. There is hereby established an office of health planning and development under the commissioner. Said office shall consist of a director, who shall be [a classified] **an unclassified** state employee, and such technical staff as is required to carry out the functions of Public Law 93-641 and amendments thereto, **and any other related duties**.

11 Repeal. RSA 126-A:4-d, relative to the deputy commissioner of health and human services, is repealed.

12 Effective Date.

I. Sections 5 and 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1994.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. Hollingworth, Dist. 23
Sen. Hough, Dist. 5

*Conferees on the Part
of the House*

Rep. R. Foster, Carr. 10
Rep. A. Torr, Straf. 12
Rep. D. Hall, Merr. 10
Rep. Wallner, Merr. 24

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of creating health care provider cooperative agreements in New Hampshire.

This bill makes appropriations from the health care transition fund to certain divisions within the department of health and human services. The moneys are to be used for health-related purposes.

This bill also establishes the New Hampshire health care reform coordinating committee. Under this bill, the committee's duties include:

(1) Developing and adopting, with public input and the office of health planning and development, a state health plan addressing certain goals and principles of health care reform.

(2) Adopting rules pursuant to RSA 541-A relative to the administration of this new law.

(3) Submitting an annual report to the governor, president of the senate and the speaker of the house charting its progress in administering its duties and making recommendations for legislative measures required to address health care reform.

This bill also establishes the salary of the director of health planning. Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

6613B

COMMITTEE OF CONFERENCE REPORT ON SB 792-A

The committee of conference to which was referred Senate Bill 792-A, An Act relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority and making an appropriation to the Pease International Tradeport having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Sections; Comprehensive Development Strategy; Pease Matching Grants. Amend RSA 12-G by inserting after section 27-a the following new sections:

12-G:27-b Comprehensive Development Plan Required.

I. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the Pease development authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$60,000,000, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

II. \$25,000,000 of any state guarantee awarded under paragraph I of this section shall be used by the authority for the purpose of securing bank financing only as a guarantee of 50 percent of any loss which may be incurred by the bank, and the bank's lien shall take precedence over all other liens for such financing, except as otherwise provided by law.

12-G:27-c Pease Matching Grants. Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$5,000,000 to make a loan or loans to the authority to be used for the purposes of matching funds for Federal Aviation Administration grants, Economic Development Administration grants, and other available grants. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority.

12-G:27-d Matching Funds. Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$10,000,000 to make a loan or loans to the authority to be used solely for the purposes of matching public and private funds, and said aggregate moneys shall be expended solely for the development of the research district of the Pease International Tradeport. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority.

Amend the bill by replacing section 5 with the following:

5 Repeal. RSA 12-G:27-a, II and III, relative to the Pease development authority budget, bonding and quarterly reports, are repealed.

*Conferees on the Part
of the Senate*

Sen. Hough, Dist. 5
Sen. Blaisdell, Dist. 10
Sen. Shaheen, Dist. 21

*Conferees on the Part
of the House*

Rep. C. Brown, Graf. 14
Rep. F. Torr, Straf. 12
Rep. LaMott, Graf. 5
Rep. Vaughn, Rock. 35

AMENDED ANALYSIS

This bill authorizes new bonding authority for the Pease development authority. However, if the bonding authority is used, it is subject to the approval of the fiscal committee of the general court.

Certain bond proceeds must be used for matching public and private funds for the development of the research district at Pease International Tradeport.

The bill authorizes certain loans to be made to the authority to be used for matching federal grants.

The bill requires the authority to comply with the requirements of the state budget process under RSA 9.

The bill increases an appropriation to the department of transportation for Skyhaven airport.

Senator Hough moved to adopt the Committee of Conference Report.

Adopted.

6610B

COMMITTEE OF CONFERENCE REPORT ON SB 793-A

The committee of conference to which was referred Senate Bill 793-A, An Act relative to the Pease development authority and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 2 and 3 with the following:

2 Study Established. There is established a committee to study the feasibility of establishing a theme park, convention center, and a casino or such other casino complexes at certain sites in the state. The members of the committee shall be as follows:

I. Two members of the house of representatives, appointed by the speaker of the house within 5 days of the effective date of this section.

II. Two members of the senate, appointed by the president of the senate within 5 days of the effective date of this section.

III. The attorney general.

IV. The commissioner of the department of safety.

V. The commissioner of the department of resources and economic development.

3 Duties. The committee shall examine the feasibility of establishing a theme park, convention center, and casino or such other casino complexes at certain sites in the state in an effort to increase tourism and economic development. The committee shall, within the limits of the available appropriation, hire consultants and other personnel as it deems necessary to carry out the purpose of sections 2-3 of this act. Any contract, within the limits of the appropriation for the purposes of this act, entered into by the committee shall not need the approval of the governor and council.

*Conferees on the Part
of the Senate*

Sen. Hough, Dist. 5
Sen. Blaisdell, Dist. 10
Sen. Shaheen, Dist. 21

*Conferees on the Part
of the House*

Rep. C. Brown, Graf. 14
Rep. Klemm, Rock. 28
Rep. F. Torr, Straf. 12
Rep. Vaughn, Rock. 35

AMENDED ANALYSIS

This bill authorizes loans to be made to the Pease development authority for its operating budget. The loan is to be repaid when money becomes available to the authority.

This bill also establishes a committee to study the feasibility of establishing a theme park, convention center, and casino or such other casino complexes at certain sites in the state.

The bill makes an appropriation to the committee to allow it to hire consultants.

Senator Hough moved to adopt the Committee of Conference Report.

Adopted.

6542B

COMMITTEE OF CONFERENCE REPORT ON SB 794-A

The committee of conference to which was referred Senate Bill 794-A, An Act making a capital appropriation for highway transportation infrastructure having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Appropriation. In each of the next 6 fiscal years beginning July 1, 1995, the difference between \$7,500,000 and the legislative estimate of debt scheduled to be paid on existing department of transportation bonds for such fiscal year is hereby appropriated to the department of transportation. The department shall first use any such sums to cover any deficit in the highway surplus account and any remaining sums shall be deposited in the highway and bridge betterment account. These sums are in addition to any other sums that may be appropriated to the department and shall be nonlapsing.

*Conferees on the Part
of the Senate*

Sen. Hough, Dist. 5

Sen. Shaheen, Dist. 21

Sen. MacDonald, Dist. 3

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1

Rep. Schotanus, Sull. 3

Rep. Lamott, Graf. 5

Rep. K. Rogers, Merr. 22

Senator Hough moved to adopt the Committee of Conference Report.

Adopted.

6552B

COMMITTEE OF CONFERENCE REPORT ON SB 806

The committee of conference to which was referred Senate Bill 806, An Act relative to a capital appropriation for repair and restoration of the state house having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Balance from State House Dome Repair Project Appropriation. Amend 1991, 351:1, II, A as amended by 1993, 359:22 to read as follows:

A. Repair State House dome/repair and
paint exterior of State House/repair
State House windows/restoration of room
120 in the State House/***refurbish
senate chamber/upholster chairs/air
conditioning of room 100, room 120, and the
senate president's office/smoking
area in LOB basement.*** *

\$250,000

* Any anticipated balance from the state house dome repair project in this authorization shall be transferred from the department of administrative services to the general court. Of that

balance, \$123,000 is available for repairing and painting the exterior of the state house, repairing the state house windows, and restoring room 120 in the state house; ***\$30,000 is available for refurbishing of the senate chamber, including upholstering of chairs and sofas, new carpeting and sound system repair; and \$20,000 is available for upholstering of chairs in the state house cafeteria and the legislative office building basement lobby; \$6,200 is available for air conditioning of room 100, room 120, and the senate president's office in the state house; and \$11,000 is available for construction of a segregated, enclosed, ventilated smoking permitted area in the legislative office building basement. This appropriation shall not lapse until June 30, 1995.***

*Conferees on the Part
of the Senate*

Sen. Shaheen, Dist. 21
Sen. MacDonald, Dist. 3
Sen. Baldizar, Dist. 12

*Conferees on the Part
of the House*

Rep. J. Chandler, Merr. 1
Rep. Pfaff, Merr. 11
Rep. F. Torr, Straf. 12
Rep. Ahern, Hills. 38

Senator Shaheen moved to adopt the Committee of Conference Report.

Adopted.

6604B

COMMITTEE OF CONFERENCE REPORT ON SB 807-FN-LOCAL

The committee of conference to which was referred Senate Bill 807-FN-LOCAL, An Act allowing the establishment of the Capital Wellness Center, Inc. having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. J. King, Dist. 18
Sen. Currier, Dist. 7
Sen. McLane, Dist. 15

*Conferees on the Part
of the House*

Rep. G. Chandler, Carr. 1
Rep. Pfaff, Merr. 11
Rep. Keans, Straf. 16
Rep. K. Rogers, Merr. 22

Senator J. King moved to adopt the Committee of Conference Report.

Adopted.

HOUSE MESSAGES

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

HB 1442, relative to a real estate transfer questionnaire and relative to the applicability of the real estate transfer tax.

HB 1447, making communications of advanced registered nurse practitioners privileged, extending certain duties to ARNPs and establishing a study committee.

HB 1450, permitting municipalities to expand the information contained on property tax bills and to include other bills and tax abatement information mailings with property tax bills.

HB 1456, relative to mental health care service providers.

HB 1484, relative to the tax-exempt status of certain properties and adding members to the study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax exempt properties.

HB 1493, relative to tax refunds from the department of revenue administration.

HB 1496, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities.

HB 1512, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee.

HB 1525, relative to communications that constitute harassment.

HB 1528, establishing a safe school zone and relative to school violence.

HB 1533, relative to the composition of the pesticide control board and relative to the definition of abutter for the purposes of rules adopted by the board.

HB 1535, exempting certain vessels from the state vessel registration fee and the boat fee.

HB 1551, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases; relative to the appropriation to the division of forests and lands forest protection bureau for fire control; and relative to the appropriation to the department of safety to fund the driver training program.

HB 1571, appropriating funds for the design and renovation of the Brown building, making a capital appropriation for the construction and furnishing of the Plymouth district courthouse, and relative to the capital appropriation for the fire standards and training dormitory.

HB 1572, relative to indexing public employee labor relations board decisions and filing fees and making an appropriation therefor.

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee.

HB 1580, increasing the funds appropriated to finance the gubernatorial transition and relative to the duties of the bank commissioner.

HOUSE MESSAGES

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

HB 317, establishing a grant program for closure of unlined solid waste landfills.

HB 451, requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.

HB 639, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.

HB 656, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991, and relative to extending medical benefits to persons who retire on a split-benefit retirement allowance with at least 10 years of service as a group II member.

HB 661, relative to the highway and bridge betterment program and establishing a committee to examine the problems of an inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire.

HB 1120, making procedural and housekeeping changes regarding the board of tax and land appeals and relative to the jurisdiction of the board.

HB 1135, relative to a study committee of resolution of family issues within the state court system.

HB 1144, permitting the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer and relative to the permit fee.

HB 1171, relative to requirements for submission of plans for sewage or waste disposal systems.

HB 1180, modifying the arson statutes to include historic structures and increasing the penalty.

HB 1185, relative to fees charged for the registration of private pesticide applicators.

HB 1193, amending the charter of St. Mary's Bank and relative to charter conversions by banks.

HB 1194, relative to the board of accountancy and related professional fees.

HB 1217, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges

HB 1231, establishing a committee to oversee the site selection, design and construction of a New Hampshire law enforcement memorial.

HB 1237, relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime.

HB 1245, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games on chance.

HB 1260, establishing a task force to study public education funding issues.

HB 1268, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3, granting a right-of-way, approving certain projects in the United States Route 3 and New Hampshire Route 11 transportation corridor study and requiring the department to study traffic alternatives for Franklin to Laconia and making an appropriation therefor.

HB 1282, allowing coyote hunting at night.

HB 1283, relative to transporting loads on highways and establishing fines.

HB 1285, permitting solid waste management districts to contract with certain persons for solid waste management services.

HB 1309, prohibiting insurance companies from mandating that automobile glass repairs be made at specific glass companies or locations.

HB 1321, relative to liquor licenses for full service restaurants.

HB 1327, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game.

HB 1329, clarifying the definition of public employee for purposes of workers' compensation.

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state, and establishing a committee to study the problem of suicide among young people.

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D.

HB 1420, relative to the sale of defective vehicles and vehicle leases which are not sales or security interests.

HB 1429, temporarily exempting certain programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.

6667B

COMMITTEE OF CONFERENCE REPORT ON SB 638-FN

The committee of conference to which was referred Senate Bill 638-FN, An Act relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

5 Supplemental Appropriation; Department of Corrections. In addition to any other sums appropriated to the department of corrections, the sum of \$683,283 is hereby appropriated for the fiscal year ending June 30, 1994, for the purpose of replacing equipment and inventory destroyed as a result of the January 25, 1994, fire at the New Hampshire state prison warehouse. The governor is authorized to draw a warrant for said sum out any money in the treasury not otherwise appropriated.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1994.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10
Sen. Hollingworth, Dist. 23
Sen. Currier, Dist. 7

*Conferees on the Part
of the House*

Rep. F. Torr, Straf. 12
Rep. R. Wheeler, Hills. 7
Rep. Klemm, Rock. 28
Rep. D. Cote, Hills. 29

AMENDED ANALYSIS

This bill changes the salary ranges of the director of adult services/warden, and the commissioner of the department of corrections.

This bill makes a supplemental appropriation to the department of corrections to replace equipment and inventory lost in a fire.

Senator Blaisdell moved to adopt the Committee of Conference Report.

Adopted.

Recess.

Out of recess.

6668B

COMMITTEE OF CONFERENCE REPORT ON HB 389

The committee of conference to which was referred House Bill 389, An Act relative to the disclosure of certain historical information regarding property having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Section; History of Property. Amend RSA 477 by inserting after section 4-c the following new section:

477:4-d History of Property.

I.(a) The owner of real property, or any agent of such owner, shall not be required to disclose information to a buyer regarding that such real property was a site of a homicide, other felony, or a suicide, unless the buyer requests such information of the owner or agent and the owner or agent has knowledge that the property was the site of a homicide, other felony, or suicide.

(b) No cause of action shall arise against an owner of real property or any agent of such owner if such owner or agent discloses information at the request of the buyer pursuant to subparagraph (a).

II. Notwithstanding paragraph I, the seller and buyer of real property shall be free to negotiate contractual rights of disclosure concerning the matter in RSA 477:4-d, I.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7
Sen. J. King, Dist. 18
Sen. Fraser, Dist. 4

*Conferees on the Part
of the House*

Rep. Mercer, Hills. 27
Rep. Yennaco, Rock. 27
Rep. Lindblade, Sull. 7
Rep. Fuller Clark, Rock. 31

AMENDED ANALYSIS

This bill declares that an owner of real property or the owner's agent does not have a duty to disclose to a buyer that the property was the site of a homicide, other felony, or a suicide, unless the buyer requests such information. No cause of action shall arise against such owner or agent for such disclosure made at the request of the buyer.

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

6666B

COMMITTEE OF CONFERENCE REPORT ON SB 149-FN

The committee of conference to which was referred Senate Bill 149-FN, An Act relative to land surveying by proprietorships, corporations or partnerships having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Individual, Sole Proprietor, Corporate or Partnership Surveying. Amend RSA 310-A:53 by inserting after paragraph III the following new paragraphs:

IV. The practice of or the offer to practice land surveying in this state by individual licensed land surveyors under a proprietorship form or by a corporation or partnership, a material part of the business which includes land surveying, is permitted provided certain personnel of such entity who shall act in its behalf are licensed land surveyors under the provisions of this chapter and provided such entity has been issued a certificate of authorization by the board as provided in this chapter. Any entity issued a certificate under this section shall be required to comply with all of the provisions of this chapter.

V. Each such entity shall file with the board of licensure a designation of an individual or individuals licensed to practice land surveying in this state who shall be in charge of land surveying by such entity in this state. The person designated shall be a full-time officer, partner, owner or full-time employee of that entity. Such entity shall notify the board of licensure of any change in the entity's designation within 30 days after such change becomes effective.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-13 to read as 6-14, respectively:

5 New Paragraph; Rulemaking; Fines. Amend RSA 310-A:58, VII and VIII to read as follows:

VII. Matters related to the proper administration of this chapter; [and]

VIII. Procedures for the conduct of hearings consistent with the requirements of due process; *and*

IX. The establishment of administrative fines which may be levied in the administration of this chapter.

Amend the bill by replacing section 6 with the following:

6 New Section; Application for Certificate of Authorization. Amend RSA 310-A by inserting after section 65 the following new section:

310-A:65-a Application for Certificate of Authorization. The board shall issue a certificate of authorization to any proprietorship, corporation or partnership in accordance with the following:

I. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any proprietorship under this subdivision, the proprietorship shall file with the board an application on a form provided by the board, which specifies:

(a) The name and address of the owner of the proprietorship.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the proprietorship.

(c) Any other information required by the board relevant to the practice of land surveying.

II. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any corporation under this subdivision, the corporation shall file with the board an application on a form provided by the board, which specifies:

(a) The names and addresses of all officers and board members of the corporation.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the corporation.

(c) Any other information required by the board relevant to the practice of land surveying.

III. As a requirement of the issuance of any certificate of authorization or renewal of any certificate to any partnership under this subdivision, the partnership shall file with the board an application on a form provided by the board, which specifies:

(a) The names and addresses of all general and limited partners.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the partnership.

(c) Any other information required by the board relevant to the practice of land surveying.

IV. Any change in any of the information reported to the board by a proprietorship, corporation or partnership under paragraphs I, II and III shall be reported to the board within 30 days of the change.

Amend RSA 310-A:69, II as inserted by section 7 of the bill by replacing it with the following:

II. The secretary of state shall not issue a certificate of incorporation to any applicant for incorporation or for registration as a foreign proprietorship, corporation or partnership which includes the words "surveyor" or "surveying" or any modification or derivative thereof in its corporate or business name, or which includes the practice of land surveying among the objects for which it is established, unless the board shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization under this subdivision, a copy of which shall have been presented to the secretary of state. The secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to proprietorships, partnerships, or corporations holding certificates of authorization issued under the provisions of this subdivision, a copy of which shall have been presented to the secretary of state.

Amend the bill by replacing all after section 8 with the following:

9 Exemptions; Surveyor in Training Substituted for Subordinate. Amend RSA 310-A:74, II to read as follows:

II. The work of an employee or a [subordinate of] ***surveyor in training*** for a person holding a license under this chapter, or an employee of a person practicing lawfully under paragraph I, done under the direct responsibility, checking, and supervision of a person holding a license under this chapter or a person practicing lawfully under paragraph I;

10 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Currier, Dist. 7

Sen. Bourque, Dist. 20

Sen. Colantuono, Dist. 14

*Conferees on the Part
of the House*

Rep. Boucher, Rock. 29

Rep. Dowd, Rock. 13

Rep. Foss, Coos 1

Rep. Groves, Rock. 22

Senator Currier moved to adopt the Committee of Conference Report.

Adopted.

ANNOUNCEMENTS

RESOLUTION

Senator Currier moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that we stand in recess for house messages and enrolled bills report and enrolled bill amendments, and that when we adjourn, that we adjourn to the Call of the Chair.

Adopted.

LATE SESSION

Senator Currier moved that the business of the day being completed, that the Senate now adjourn to the Call of the Chair.

Adopted.

Adjourned to the Call of the Chair.

Out of Recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1185, relative to fees charged for the registration of private pesticide applicators.

HB 1187, relative to the signature of manufactured housing park owners on deeds and the fee for such signature and relative to land fee increases in manufactured housing parks.

HB 1217, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges.

HB 1329, clarifying the definition of public employee for purposes of workers' compensation.

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state, and establishing a committee to study the problem of suicide among young people.

HB 1493, relative to tax refunds from the department of revenue administration.

HB 1572, relative to indexing public employee labor relations board decisions and filing fees and making an appropriation therefor.

HB 1580, increasing the funds appropriated to finance the gubernatorial transition and relative to the duties of the bank commissioner.

SB 518, requiring health care providers to clearly state the benefits and services provided to enrollees and subscribers and relative to policy language simplification.

SB 644, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101.

SB 761, relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor.

SB 792, relative to the Pease development authority, authorizing new bonding authority for the Pease development authority, authorizing certain loans to be made to the authority for use in matching grants, relative to the budget of the Pease development authority, and increasing an appropriation for Skyhaven airport.

SB 794, transferring highway funds from the municipal bridge aid program to the highway aid bridge betterment program and making an appropriation to the highway surplus account and the highway and bridge betterment account.

SB 809, relative to enacting zoning ordinances in the Mountain Lakes District.

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

HB 661, relative to the highway bridge betterment program and establishing a committee to examine the problems of an inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire.

HB 1171, relative to requirements for submission of plans for sewage or waste disposal systems.

HB 1180, modifying the arson statutes to include historic structures and increasing the penalty.

HB 1260, establishing a task force to study public education funding issues.

HB 1327, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game.

SB 671, relative to the community development finance authority and investment tax credits.

SB 807, allowing the establishment of the Capital Wellness Center, Inc. Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 317, establishing a grant program for closure of unlined solid waste landfills.

HB 656, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991, and relative to extending medical benefits to persons who retire on a split-benefit retirement allowance with at least 10 years of service as a group II member.

HB 1194, relative to the board of accountancy and related professional fees.

HB 1285, permitting solid waste management districts to contract with certain persons for solid waste management services.

HB 1309, prohibiting insurance companies from mandating that automobile glass repairs be made at specific glass companies or locations.

HB 1321, relative to liquor licenses for full service restaurants.

HB 1390, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D.

HB 1442, relative to a real estate transfer questionnaire and relative to the applicability of the real estate transfer tax.

HB 1512, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee.

HB 1525, relative to communications that constitute harassment.

HB 1528, establishing a safe school zone and relative to school violence.

HB 1551, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases; relative to the appropriation to the division of forests and lands forest protection bureau for fire control; and relative to the appropriation to the department of safety to fund the driver training program.

HB 1578, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee.

SB 538, establishing a state freshwater fish.

SB 589, establishing a committee to study the powers of fiduciaries in environmental matters.

SB 593, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor.

SB 667, relative to guardians ad litem appointed in child protection cases.

SB 758, relative to a civil filing fee surcharge for civil legal assistance to low-income persons.

SB 760, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employee and relative to the recognition of tax anticipation notes for the purpose of setting property tax rates.

SB 806, relative to a capital appropriation for repair and restoration of the state house.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 161, increasing the membership of the adult parole board.

HB 178, relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators.

HB 414, providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system.

HB 1158, relative to the state's policy regarding the review and assessment of new health services and relative to the membership of the health services planning and review board.

HB 1209, relative to administrative motor vehicle license suspensions.

HB 1238, relative to time computation for purposes of statutory construction.

HB 1313, requiring the department of safety to issue an automotive recycling dealer as many sets of number plates as such person may require.

HB 1422, relative to the dog control laws and the portion of the dog license fee retained by town and city clerks.

HB 1426, relative to the placement of candidates' names on the ballot.

HB 1586, regarding victim and law enforcement access to certain confidential information regarding a juvenile offender.

SB 641, relative to group II retirement system membership for full-time marine patrol officers in the division of safety services.

SB 790, relative to small power producers and establishing a legislative oversight committee to monitor and assess renegotiations between small power producers and Public Service Company of New Hampshire.

HB 660, relative to drug forfeiture.

HB 1010, relative to a 10-year transportation plan.

HB 1193, amending the charter of St. Mary's Bank and relative to charter conversions by banks.

HB 1228, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record.

SB 149, relative to land surveying by individual proprietors, corporations or partnerships.

SB 508, enabling New Hampshire cities and towns to join together to form multimunicipality industrial development authorities and exercise all of the power and rights currently exercised only by cities.

Senator Currier moved adoption.

Adopted.

6681B

Enrolled Bill Amendment to SB 90

Amend RSA 161-B:4, I(b)(2) as inserted by section 1 of the bill by replacing line 1 with the following:

(2) A court, pursuant to RSA 173-B, has issued a protective

Amend section 8 of the bill by replacing lines 2-3 with the following:
after paragraph XII the following new paragraph:

XIII. In any proceeding concerning the support of children, the
Senator Currier moved adoption.

Adopted.

6703B

Enrolled Bill Amendment to SB 225-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to shoreland protection and making
an appropriation therefor.

Senator Currier moved adoption.

Adopted.

6692B

Enrolled Bill Amendment to SB 523

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study patient access to information
about health care providers and the quality assurance
process and allowing nonprofit agencies serving
disabled persons to apply for walking
disability placards.

Senator Currier moved adoption.

Adopted.

6713B

Enrolled Bill Amendment to SB 580-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study future directions for
New Hampshire child care licensing policies.

Senator Currier moved adoption.

Adopted.

6690B

Enrolled Bill Amendment to SB 592

Amend the title of the bill by replacing it with the following:

AN ACT

making a technical correction to the regulation of the height of a motor vehicle body and chassis and prohibiting the display of expired number plates.

Senator Currier moved adoption.

Adopted.

6673B

Enrolled Bill Amendment to SB 625-FN-A

Amend section 5 of the bill by replacing lines 11-12 with the following: section shall be a charge against the health care transition fund, established in RSA 167:70. Such appropriations shall be established in separate accounts

Senator Currier moved adoption.

Adopted.

6689B

Enrolled Bill Amendment to SB 638-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections and making a supplemental appropriation to the department of corrections.

Senator Currier moved adoption.

Adopted.

6702B

Enrolled Bill Amendment to SB 650-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study lead base paint abatement, relative to the nuclear decommissioning financing committees and authorizing the housing finance authority to make lead abatement loans.

Amend section 2 of the bill by replacing line 13 with the following: appointed within 30 days of the effective date of this section:

Amend section 3 of the bill by replacing line 4 with the following: of this section.

Amend RSA 162-F:17, III as inserted by section 7 of the bill by replacing line 6 with the following:

department of justice may hire such temporary help, ***including***

Senator Currier moved adoption.

Adopted.

6679B

Enrolled Bill Amendment to SB 655-FN-A

Amend paragraph II(a) of section 3 of the bill by replacing line 1 with the following:

(a) Use volume data required under RSA 224-A:6 for all major

Senator Currier moved adoption.

Adopted.

6674B

Enrolled Bill Amendment to SB 670-FN

Amend section 29 of the bill by replacing line 5 with the following:
RSA 421-B:26, IV.

Amend the bill by inserting after section 34 the following new sections and renumbering the original section 35 to read as 38:

35 Contingent Renumbering. If SB 760-FN-A-LOCAL, An Act establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees and relative to the recognition of tax anticipation notes for the purpose of setting property tax rates, becomes law, RSA 6:12, I(iii) as inserted by section 29 of the bill shall be renumbered to RSA 6:12, I(jjj).

36 Authorization for Renumbering. If any other act of the 1994 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1994 session laws.

37 Reference Change if SB 805 Becomes Law. If SB 805, An Act reorganizing and making further amendments to the administrative procedure act, becomes law, the references to RSA 541-A:3-g and RSA 541-A:3-g, I in RSA 421-B:17, I(f)(5) as inserted by section 12 of this act shall be changed to RSA 541-A:18 and RSA 541-A:18, I, respectively.

Senator Currier moved adoption.

Adopted.

6725B

Enrolled Bill Amendment to SB 672-FN

Amend the bill by replacing section 4 with the following:

4 Contingency. If SB 805 of the 1994 legislative session becomes law, then the references in RSA 36:30, I and RSA 363:32, I(a) as inserted by section 1 of the bill to RSA 541-A:16 through RSA 541-A:20 shall be changed to RSA 541-A:31 through RSA 541-A:35.

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Senator Currier moved adoption.

Adopted.

6711B

Enrolled Bill Amendment to SB 685

Amend the bill by replacing section 5 with the following:

5 Exemption Added. Amend RSA 541-A:10, I(q) to read as follows:

(q) RSA 374:8, relative to a uniform system of accounts for regulated utilities[.];

(r) RSA 21-P:27, II(a) and (b), relative to educational, training and evidentiary standards for fire service personnel and curriculum requirements for schools training fire service personnel.

Amend section 10 of the bill by replacing line 1 with the following:

10 Change From Bureau to Division. Amend RSA 21-P:15, III to read as
Amend the bill by replacing section 21 with the following:

21 Contingency. If SB 805, An Act reorganizing and making further amendments to the administrative procedure act, becomes law, RSA541-A:10, I(r) as inserted by section 5 of this act shall be renumbered to read as RSA 541-A:21, I(r).

22 Effective Date.

I. Sections 1-6 of this act shall take effect 60 days after its passage.

II. Paragraph I of section 16 of this act shall take effect as provided in paragraph III of section 20 of this act.

III. Section 21 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect August 1, 1994.

Senator Currier moved adoption.

Adopted.

6700B

Enrolled Bill Amendment to SB 688-LOCAL

Amend the bill by replacing all after section 6 with the following:

7 Definition of "Ownership of Real Estate". Amend RSA72:29, VI to read as follows:

VI. For purposes of RSA 72:28, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, **37-b**, 39, 43-b, 43-f, 43-h, 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner", "owned" or "own", shall include those who have equitable title or the beneficial interest for life in the subject property.

8 Application for Exemption or Tax Credit. Amend RSA 72:33, I to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, **37-b**, 39, 43-b, 43-f, 43-h, 62, 66, and 70 unless he shall have filed with the selectmen or assessors, on or before April 15 of some year, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is duly qualified and is the true and lawful owner of the property on which the exemption or tax credit is claimed.

9 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1995.

II. Sections 7 and 8 of this act shall take effect July 10, 1994, at 12:01 a.m.

III. The remainder of this act shall take effect upon its passage.

Senator Currier moved adoption.

Adopted.

6685B

Enrolled Bill Amendment to SB 701-FN-A-LOCAL

Amend the bill by deleting section 2 and renumbering sections 3 and 4 to read as 2 and 3, respectively.

Amend the title of the bill by replacing it with the following:

AN ACT

extending the duties of the convention center study committee.

Senator Currier moved adoption.

Adopted.

6698B

Enrolled Bill Amendment to SB 709-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to changes mandated by OBRA, repealing a statute in conflict with the children's health plan, relative to the date on which medical child support orders must begin to include provisions concerning wage assignment, relative to the appointment and salary of certain employees of the department of health and human services and relative to the authority of hospice house staff members to administer medication.

Amend the bill by deleting section 7 and renumbering the original sections 8-10 to read as 7-9, respectively.

Amend the bill by replacing section 9 with the following:
9 Effective Date.

I. Section 6 of this act shall take effect October 1, 1994, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

Senator Currier moved adoption.

Adopted.

6672B

Enrolled Bill Amendment to SB 723-FN-LOCAL

Amend paragraph I of section 1 of the bill by replacing line 19 with the following:

children, youth, and families should now qualify as emergency assistance

Senator Currier moved adoption.

Adopted.

6717B

Enrolled Bill Amendment to SB 740-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to employee leasing and making an appropriation therefor to the department of labor.

Amend RSA 277-B:5, IV as inserted by section 1 of the bill by replacing line 16 with the following:
of RSA 277-B:11, II.

Senator Currier moved adoption.

Adopted.

6722B

Enrolled Bill Amendment to SB 747-FN

Amend RSA 358-O:4, VIII as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

option to purchase, including a statement that the consumer has the right to exercise an early purchase option and the price, formula or method for

Amend RSA 358-O:6, III(c) as inserted by section 1 of the bill by replacing line 3 with the following:

option to purchase the rented property; or

Amend RSA 358-O:7, I(c) as inserted by section 1 of the bill by replacing line 2 with the following:

in any property of the consumer.

Amend the bill by replacing section 3 with the following:

3 Contingency. If HB 1545 of the 1994 legislative session becomes law, then RSA 358-O and all references to RSA 358-O in such chapter, as inserted by section 1 of this act, shall be renumbered as RSA 358-P.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1995.

Senator Currier moved adoption.

Adopted.

6682B

Enrolled Bill Amendment to SB 753-FN-A-LOCAL

Amend section 1 of the bill by replacing lines 2-4 with the following:
Amend RSA 167 by inserting after section 73 the following new subdivision:

Economic Self-Sufficiency for AFDC Recipients

167:74 Findings and Purpose. The general court finds that elements of Amend RSA 167:70 as inserted by section 1 of the bill by replacing line 1 with the following:

167:75 Rulemaking. The director of the division of human services Amend section 2 of the bill by replacing lines 3-11 with the following: services, division of human services, for the purposes of RSA 167:75, I as inserted by section 1 of this act, which shall be the maximum amount available for such purposes. The sum of \$32,918 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:75, II as inserted by section 1 of this act. The sum of \$472,793 for the fiscal year ending June 30, 1995, is hereby appropriated to the department of health and human services, division of human services, for the purposes of RSA 167:75, III, as inserted by section 1 of this act. The governor is

Senator Currier moved adoption.

Adopted.

6694B

Enrolled Bill Amendment to SB 763

Amend the title of the bill by replacing it with the following:

AN ACT

establishing an executive board for national and community service.

Amend section 2 of the bill by replacing lines 2-6 with the following: Service Established. Amend RSA by inserting after RSA 19-F the following new chapter:

CHAPTER 19-G

**NEW HAMPSHIRE EXECUTIVE BOARD FOR
NATIONAL AND COMMUNITY SERVICE**

19-G:1 New Hampshire Executive Board for National and Community Service

Amend RSA 19-F:2 and 19-F:3 as inserted by section 2 of the bill by renumbering them to read as RSA 19-G:2 and 19-G:3, respectively.

Amend section 3 of the bill by replacing line 1 with the following:

3 Prospective Repeal. RSA 19-G, relative to the New Hampshire executive

Senator Currier moved adoption.

Adopted.

6721B

Enrolled Bill Amendment to SB 772-FN

Amend RSA 135:17-a, I as inserted by section 2 of the bill by replacing line 2 with the following:

person is not competent to stand trial, the court may, following a hearing and a determination that such person is dangerous to self or others, order the person to

Amend the bill by replacing all after section 12 with the following:

13 Applicability. The provisions of this act shall apply to acts leading to a felony charge which occur on or after January 1, 1995.

14 Commitment. Amend RSA 622:45, I to read as follows:

I. Any person subject to an involuntary admission to the state mental health service system pursuant to RSA 135-C *or any person subject to involuntary admission pursuant to RSA 171-B* may at any time be transferred to the unit upon a determination that the person would present a serious likelihood of danger to himself or to others if admitted to or retained in a receiving facility in the state mental health services system. The admission to the unit may be ordered by:

(a) A probate court pursuant to RSA 135-C:34-54; or

(b) An administrator of a designated receiving facility to which a person has been involuntarily admitted pursuant to an involuntary emergency [hospitalization] *admission* or an involuntary admission[.];

(c) *A probate court pursuant to RSA 171-B or an administrator of a receiving facility to which a person has been involuntarily admitted pursuant to RSA 171-B.*

15 Contingency.

I. If HB 1119 of the 1994 legislative session becomes law, then section 14 of this act shall take effect January 1, 1995 and section 10 of this act shall not take effect.

II. If HB 1119 of the 1994 legislative session does not become law, then section 10 of this act shall take effect January 1, 1995 and section 14 of this act shall not take effect.

16 Effective Date.

I. Section 1 of this act shall take effect January 1, 1995, at 12:01 a.m.

II. Sections 10 and 14 of this act shall take effect as provided in section 15.

III. Section 15 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect January 1, 1995.

Senator Currier moved adoption.

Adopted.

6676B

Enrolled Bill Amendment to SB 774-FN

Amend section 1 of the bill by replacing line 2 with the following:

Amend the introductory paragraph of RSA 167:68, I to read as follows:

Amend section 3 of the bill by replacing line 4 with the following:

be a charge against the health care transition fund, established in RSA 167:70. Such

Senator Currier moved adoption.

Adopted.

6688B

Enrolled Bill Amendment to SB 791-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

making certain appropriations to the department of health and human services, establishing a committee to study the feasibility of creating health care provider cooperative agreements, and establishing the New Hampshire health care reform coordinating committee.

Senator Currier moved adoption.

Adopted.

6712B

Enrolled Bill Amendment to SB 793-A

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing loans to be made to the Pease development authority and establishing a committee to study the feasibility of establishing a theme park, convention center, and casino at certain sites and making an appropriation therefor.

Senator Currier moved adoption.

Adopted.

6675B

Enrolled Bill Amendment to SB 800-FN

Amend the bill by replacing section 15 with the following:

15 Change "Bureau of Children" to "Division for Children, Youth, and Families." Amend the section heading of RSA 169-C:34 to read as follows:

169-C:34 Duties of the [Bureau of Children] ***Division for Children, Youth, and Families.***

Senator Currier moved adoption.

Adopted.

6671B

Enrolled Bill Amendment to SB 805

Amend RSA 541-A:6, I as inserted by section 1 of the bill by replacing line 2 with the following:

hold a public hearing and shall also give notice of the cut-off date for the

Amend RSA 541-A:13, VI as inserted by section 1 of the bill by replacing line 2 with the following:

rule is filed with the director under subparagraph V(d), the burden of

Amend RSA 541-A:14, IV as inserted by section 1 of the bill by replacing line 13 with the following:

shall maintain a file of its own currently effective rules, both of which shall be

Amend RSA 541-A:1 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VI-a. "Final legislative action" means the defeat of a joint resolution sponsored by the legislative committee on administrative rules pursuant to RSA 541-A:13, VII(b) in either the house or the senate, or the failure of the general court to override the governor's veto of the joint resolution.

Amend RSA 541-A:13, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If the committee makes a preliminary objection to the rule, the agency shall respond to the objection by withdrawing the rule, by amending the rule to remove the basis for objection, or by making no change. The agency shall respond to a committee objection only once, and shall report

its response in writing to the committee within 45 days of the committee's vote to make a preliminary objection. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of the agency response, the committee may modify its objections made under paragraph IV or approve the rule.

Amend RSA 541-A:13, V(d) as inserted by section 1 of the bill by replacing it with the following:

(d) If the agency responds but the basis for the committee's preliminary or revised objection has not been removed or the response creates a new basis for objection, the committee may, by majority vote of the entire committee, file a final objection. The final objection shall be filed in certified form with the director of legislative services, who shall publish the objection in the next issue of the rulemaking register.

Amend RSA 541-A:13 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII.(a) The provisions of this paragraph may be used by the committee as an alternative to or in addition to the final objection procedure employed by the committee in paragraph V.

(b) If an agency responds under subparagraph V(b) or (c) but the basis for objection has not been removed or the response creates a new basis for objection, the committee may, within 45 days from the date by which the objection response was due and by majority vote of the entire committee, recommend legislative action through sponsorship of a joint resolution to implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the agency for the period of time specified in subparagraph VII(c).

(c) If the committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the 60th calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

(d) The provisions of this paragraph shall apply to only the portion of the agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A while the committee pursues legislative action under this paragraph, nor shall it prevent the committee from also voting to enter a final objection pursuant to paragraph V.

(e) Nothing in this section shall prevent the general court from introducing legislation which addresses any matter included in a joint resolution introduced under the provisions of this section.

(f) Notwithstanding any house or senate rules to the contrary, a joint resolution which the committee votes to sponsor under subparagraph VII(b) may be introduced at any time during the legislative session. It shall be subject to the same rules as any other bill introduced at the beginning of the legislative session.

Amend RSA 541-A:14, I as inserted by section 1 of the bill by replacing it with the following:

I. An agency may adopt a properly filed final proposed rule after:

(a) The passage of 45 days from filing of a final proposal under RSA 541-A:12 without receiving notice of objection from the committee;

(b) Receiving notice of approval from the committee;

(c) Passage of the 45-day period for committee review of the preliminary objection response, or revised objection response, if applicable, provided that the committee has not voted to sponsor a joint resolution pursuant to RSA 541-A:13, VII; or

(d) Final legislative action, as defined in RSA 541-A:1, VI-a, is taken on the joint resolution sponsored pursuant to RSA 541-A:13, VII(b) or the passage of the 90 consecutive calendar days specified by RSA 541-A:13, VII(c), whichever occurs first.

Amend RSA 541-A:21, I as inserted by section 1 of the bill by inserting after subparagraph (p) the following new subparagraph:

(q) RSA 374:8, relative to a uniform system of accounts for regulated utilities.

Amend RSA 179:56, I as inserted by section 23 of the bill by replacing lines 4 and 5 with the following:

commission shall be in accordance with RSA 541-A:[16-22] **31-36**. In any such investigation or hearing the commission shall not

Amend RSA 179:57, I as inserted by section 24 of the bill by replacing line 12 with the following:

hearing, in accordance with RSA 541-A:[16-22] **31-36**.

Amend the bill by replacing all after section 52 with the following:

53 Application.

I. The provisions of section 1 of this act shall govern the following on or after the effective date of this act:

(a) All rulemaking initiated by filing a notice of rulemaking under RSA 541-A:6.

(b) All emergency rules adopted under RSA 541-A:18.

(c) All interim rules initiated by providing notice of an interim rule under RSA 541-A:19, II.

II. The provisions of RSA 541-A:1, VI-a; RSA 541-A:13, V(b) and (d); RSA 541-A:13, VII; and RSA 541-A:14, I(c) and (d) as inserted by section 1 of this act as derived from HB 686 shall apply to final proposals which are filed on or after the effective date of this act.

54 Authority to Conform Other Laws. If any act, the provisions of which contain references to RSA 541-A as it existed prior to its repeal and reenactment by this act becomes law, the director of legislative services is authorized to make any necessary reference changes, and any technical changes to the numbering in any bill sections or RSA sections as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of 1994 session laws.

55 Effective Date. This act shall take effect 60 days after its passage.

Senator Currier moved adoption.

Adopted.

6697B

Enrolled Bill Amendment to HB 260-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a used oil collection program and an automobile oil fee to fund such program, and making a supplemental appropriation to the department of environmental services.

Amend section 2 of the bill by replacing lines 2 and 3 with the following: paragraph I-a the following new paragraph:

I-b. "Automotive oil" means any lubricating oil, which is

Amend RSA 147-B:9, III as inserted by section 6 of the bill by replacing line 2 with the following:

recycled and exempt from the fee under RSA 147-B:8, II.

Senator Currier moved adoption.

Adopted.

6715B

Enrolled Bill Amendment to HB 389

Amend section 1 of the bill by replacing lines 2-3 with the following: section 4-d the following new section:

477:4-e History of Property.

Amend RSA 477:4-e, II as inserted by section 1 of the bill by replacing line 3 with the following:

concerning the matter in RSA 477:4-e, I.

Senator Currier moved adoption.

Adopted.

6693B

Enrolled Bill Amendment to HB 438-FN

Amend the title of the bill by replacing it with the following:

AN ACT

requiring criminal history record and protective order checks for sales of handguns by dealers using a premium telephone service and making an appropriation therefor.

Senator Currier moved adoption.

Adopted.

6705B

Enrolled Bill Amendment to HB 451-FN

Amend RSA 328-E:10, I(c) as inserted by section 1 of the bill by replacing line 3 with the following:

RSA 328-E:12.

Amend RSA 328-E:11, II as inserted by section 1 of the bill by replacing lines 5-7 with the following:

the joint legislative committee on administrative rules, the senate executive departments and administration committee, and the house executive departments and administration committee for further corrective oversight action.

Amend the bill by replacing all after section 2 with the following:

3 Contingency. If SB 805, An Act reorganizing and making further amendments to the administrative procedure act, of the 1994 legislative session becomes law, then the reference to RSA 541-A:3-a, VII in RSA 328-E:11, I as inserted by section 1 of this act shall be renumbered to read as RSA 541-A:10.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 1998.

II. Section 3 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 1995.

Senator Currier moved adoption.

Adopted.

5630B

Enrolled Bill Amendment to HB 510

Amend the bill by replacing section 1 with the following:

1 Number of Write-In Votes Required to Receive Nomination. Amend RSA 659:88, I(a) to read as follows:

(a) A person whose name was not printed on the official state primary election ballot of a political party shall not be entitled to the nomination of that party for any office unless the person received 10 write-in votes or write-in votes equaling 10 percent or more of the total votes cast for that party on such state primary election ballot, whichever is the smaller, *but in no event less than 5 write-in votes*.

Senator Currier moved adoption.

Adopted.

6718B

Enrolled Bill Amendment to HB 622-FN

Amend RSA 53-B:6, I as inserted by section 5 of the bill by replacing line 11 with the following:

provisions of RSA 53-B:1 - RSA 53-B:14 providing for the establishment of a

Amend RSA 53-B:6-a, I as inserted by section 6 of the bill by replacing it with the following:

I. A list of the municipalities included in the district.

Senator Currier moved adoption.

Adopted.

6714B

Enrolled Bill Amendment to HB 639-FN-A

Amend the bill by inserting after section 4 the following new section and renumbering the original section 5 to read as 6:

5 Contingency. If SB 805 of the 1994 legislative session becomes law, then the reference to RSA 541-A:16-21 in RSA 205-A:27, IV(c) as inserted by section 1 of this act shall be changed to read as RSA 541-A:31-36.

Senator Currier moved adoption.

Adopted.

6683B

Enrolled Bill Amendment to HB 652-FN

Amend section 3 of the bill by replacing lines 2 and 3 with the following: after paragraph IV-a the following new paragraph:

IV-b.(a) "Fee" means a charge imposed by rule which is in return for

Amend the bill by replacing section 7 with the following and renumbering the original section 7 to read as 8:

7 Contingent Renumbering. If SB 805, an act reorganizing and making further amendments to the administrative procedure act, becomes law:

I. RSA 541-A:1, IV-b as inserted by section 3 of this act shall be renumbered to RSA 541-A:1, V-a.

II. RSA 541-A:3-a, I(d)(6) as inserted by section 4 of this act shall be renumbered to RSA 541-A:5, IV(f) and (f)(1), (2), and (3).

III. RSA 541-A:3-e, IV(c)-(e) as inserted by section 5 of this act shall be renumbered to RSA 541-A:13, IV(c)-(e).

Senator Currier moved adoption.

Adopted.

6687B

Enrolled Bill Amendment to HB 1120-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

making procedural and housekeeping changes regarding
the board of tax and land appeals.

Senator Currier moved adoption.

Adopted.

6706B

Enrolled Bill Amendment to HB 1135

Amend 1993, 358:11, I(h) as inserted by section 1 of the bill by replacing line 1 with the following:

(h) The director of the division for children, youth, and families,

Senator Currier moved adoption.

Adopted.

6707B

Enrolled Bill Amendment to HB 1144-FN

Amend RSA 208:5-b as inserted by section 2 of the bill by replacing line 3 with the following:

208:5-a. Such special deer permit shall allow the taking of additional

Senator Currier moved adoption.

Adopted.

6678B

Enrolled Bill Amendment to HB 1191-FN

Amend RSA 651:4-a as inserted by section 2 of the bill by replacing line 17 with the following:

sentence *or making a decision regarding sentence reduction or sentence suspension.*

Senator Currier moved adoption.

Adopted.

6686B

Enrolled Bill Amendment to HB 1231

Amend RSA 4:9-c, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. The members of the committee established in RSA 4:9-b

Amend RSA 4:9-d as inserted by section 1 of the bill by replacing line 2 with the following:

in RSA 4:9-b shall be as follows:

Senator Currier moved adoption.

Adopted.

6709B

Enrolled Bill Amendment to HB 1237

Amend the bill by replacing section 13 with the following:

13 Contingent Renumbering. If SB 641-FN becomes law, RSA 100-A:1, VII(e) as inserted by section 6 of this act shall be renumbered to RSA100-A:1, VII(f).

14 Effective Date.

I. RSA 504-A:12-a as inserted by section 9 of this act shall take effect January 1, 1995.

II. Section 13 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1994.

Senator Currier moved adoption.

Adopted.

6669B

Enrolled Bill Amendment to HB 1268-FN-A-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the department of transportation to add traffic signals and make improvements to certain portions of U.S. Route 3 and making an appropriation therefor.

Senator Currier moved adoption.

Adopted.

6701B

Enrolled Bill Amendment to HB 1282

Amend the title of the bill by replacing it with the following:

AN ACT

allowing coyote hunting at night and establishing a license fee for hunting coyote at night.

Senator Currier moved adoption.

Adopted.

6670B

Enrolled Bill Amendment to HB 1283

Amend the title of the bill by replacing it with the following:

AN ACT

relative to transporting scrap metal.

Senator Currier moved adoption.

Adopted.

6680B

Enrolled Bill Amendment to HB 1382

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 Toll Collection System Study Committee; Members. There is created a committee to study the toll collection

Amend section 1 of the bill by renumbering subparagraphs (a) - (g) to read as paragraphs I-VII, respectively.

Amend section 2 of the bill by renumbering the original subparagraph I(e) to read as paragraph II, the original paragraph II to read as III, and the original subparagraph II(i) to read as paragraph IV.

Senator Currier moved adoption.

Adopted.

6708B

Enrolled Bill Amendment to HB 1420

Amend the bill by replacing section 3 with the following:

3 Contingent Nullification. If HB 1117 becomes law, RSA 357-D:11 as inserted by section 1 of this act shall be null and void and of no effect.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1995.

Senator Currier moved adoption.

Adopted.

6691B

Enrolled Bill Amendment to HB 1429-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

exempting municipal recreation programs from child
day care licensing regulation.

Senator Currier moved adoption.

Adopted.

6710B

Enrolled Bill Amendment to HB 1447-FN

Amend the title of the bill by replacing it with the following:

AN ACT

making communications of advanced registered nurse practitioners
privileged, extending certain duties to ARNPs, relative to
temporary licensure for certain registered nurse
graduates, and establishing a
study committee.

Senator Currier moved adoption.

Adopted.

6723B

Enrolled Bill Amendment to HB 1450-LOCAL

Amend RSA 76:11-a as inserted by section 2 of the bill by replacing it with the following:

76:11-a Information [Required].

I. The tax bill which is sent to every person taxed, as provided in RSA 76:11, shall show the rate for municipal, school and county taxes separately, the assessed valuation of all lands and buildings for which said person is being taxed, and the right to apply in writing to the selectmen or assessors for an abatement of the tax assessed as provided under RSA 76:16. The department of revenue administration shall compute for each town and city the rates which are to appear on the tax bills and shall furnish the required information to the appropriate town or city.

II. The tax bill shall also contain a statement informing the taxpayer of the types of tax relief for which the taxpayer has the right to apply. The following statement shall be considered adequate:

"If you are elderly, disabled, blind, a veteran or veteran's spouse, or are unable to pay taxes due to poverty or other good cause, you may be eligible for a tax exemption, credit, abatement or lien. For details and application formation, contact (insert title of local assessing officials or office to which application should be made)."

This statement shall be prominent and legible, and may either be printed on the tax bill itself, or on a separate sheet of paper enclosed with the tax bill. A municipality may in its discretion choose to include more detailed information about the eligibility criteria for different forms of tax relief, provided, however, that the information in the above statement shall be considered a minimum.

III. A town or city may, by majority vote of its governing body, include information additional to that required under paragraphs I and II on the tax bill as a means of further educating the public relative to the laws regarding property taxes.

Senator Currier moved adoption.

Adopted.

6696B

Enrolled Bill Amendment to HB 1456

Amend the bill by replacing section 2 with the following:

2 Contingency. If SB 518 of the 1994 legislative session becomes law, then chapter 420-H, as inserted by section 1 of this act, shall be renumbered as chapter 420-I.

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1995.

Senator Currier moved adoption.

Adopted.

6699B

Enrolled Bill Amendment to HB 1466

Amend the bill by replacing all after section 10 with the following:

11 Health Insurance for Mental or Nervous Condition; Certified Clinical Social Workers Added. Amend RSA 415:18-a, I to read as follows:

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, psychologists, licensed pastoral counselors, [and] psychiatric/mental health advanced registered nurse practitioners, ***and certified clinical social workers***, are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III and IV.

12 Health Insurance Benefits; Certified Clinical Social Worker Added. Amend RSA 415:18-a, III(a) to read as follows:

(a) Benefits for services of a psychiatrist, psychologist, licensed pastoral counselor, [or] psychiatric/mental health advanced registered nurse practitioner, ***or certified clinical social worker*** who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses, and the ratio of the benefits to the fees reasonably and customarily charged for the services of such psychiatrists, psychologists, licensed pastoral counselors, [or] psychiatric/mental health advanced regis-

tered nurse practitioners, *or certified clinical social workers* shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

13 Health Insurance; Certified Clinical Social Worker Added. Amend RSA 415:18-a, IV to read as follows:

IV. In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a psychiatrist, a psychologist, a licensed pastoral counselor, a psychiatric/mental health advanced registered nurse practitioner, *a certified clinical social worker*, a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services.

14 New Subparagraph; Definition; Certified Clinical Social Worker. Amend RSA 415:18-a, V by inserting after subparagraph (d) the following new subparagraph:

(e) "Certified clinical social worker" means an individual who is certified as a clinical social worker under RSA 330-A:16-d.

15 Hospital Service Corporations; Certified Clinical Social Workers Added. Amend RSA 419:5-a, I to read as follows:

I. Every hospital service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, psychologists, licensed pastoral counselors, [and] psychiatric/mental health advanced registered nurse practitioners, *and certified clinical social workers*, are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in RSA 419:5-a, II and III.

16 Hospital Service Corporations; Certified Clinical Social Worker and ARNP. Amend RSA 419:5-a, III to read as follows:

III. In the case of policies or certificates providing benefits for hospital expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual. If such a policy or certificate is issued jointly with a medical service corporation licensed under RSA 420 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total

benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services; except that such expenses may exclude charges arising from the professional services of a psychiatrist [or], a psychologist, **a psychiatric/mental health advanced registered nurse practitioner, a certified clinical social worker**, or a licensed pastoral counselor who customarily bills patients directly rather than to a hospital, community mental health center or psychiatric residential program.

17 New Subparagraph; Hospital Service Corporations; Definition; Certified Clinical Social Worker. Amend RSA 419:5-a, IV by inserting after subparagraph (d) the following new subparagraph:

(e) "Certified clinical social worker" means an individual who is certified as a clinical social worker under RSA 330-A:16-d.

18 Medical Service Corporation; Certified Clinical Social Worker. Amend RSA 420:5-a, I to read as follows:

I. Every medical service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of psychiatrists, psychologists, licensed pastoral counselors, [and] psychiatric/mental health advanced registered nurse practitioners, **and certified clinical social workers** are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders. Such benefits shall be at least as favorable to the certificate holder as the minimum benefits specified in RSA 420:5-a, II and III.

19 Certified Clinical Social Worker Added. Amend RSA 420:5-a, II(a) to read as follows:

(a) Benefits for services of a psychiatrist, psychologist, licensed pastoral counselor, [or] psychiatric/mental health advanced registered nurse practitioners, **or certified clinical social worker** who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses, and the ratio of the benefits to the fees reasonably and customarily charged for the services of such psychiatrists, psychologists, licensed pastoral counselors, [or] psychiatric/mental health advanced registered nurse practitioners, **or certified clinical social workers** shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

20 Certified Clinical Social Worker Added. Amend RSA 420:5-a, III to read as follows:

III. In the case of policies or certificates providing benefits for medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less

than \$10,000 per covered individual. If such a policy or certificate is issued jointly with a hospital service corporation licensed under RSA 419 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges of a psychiatrist, psychologist, licensed pastoral counselor, [or] psychiatric/mental health advanced registered nurse practitioner, *or certified clinical social worker* who customarily bills patients directly.

21 New Subparagraph; Medical Service Corporations; Definition; Certified Clinical Social Worker. Amend RSA 420:5-a, IV by inserting after subparagraph (d) the following new subparagraph:

(e) "Certified clinical social worker" means an individual who is certified as a clinical social worker under RSA 330-A:16-d.

22 Provisions Voided. The provisions of HB 1453 (1994, 96), relative to certified clinical social workers, shall be null and void and of no effect.

23 Effective Date.

I. Sections 1-10 of this act shall take effect 60 days after its passage.

II. Section 22 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 1995.

Senator Currier moved adoption.

Adopted.

6720B

Enrolled Bill Amendment to HB 1484-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the tax-exempt status of certain properties and changing the membership of a study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax exempt properties.

Amend the bill by replacing all after section 5 with the following:
6 Effective Date.

I. Section 5 of this act shall take effect May 23, 1994 at 12:01 a.m.

II. The remainder of this act shall take effect April 1, 1994.

Senator Currier moved adoption.

Adopted.

6724B

Enrolled Bill Amendment to HB 1515-FN

Amend the bill by inserting after section 3 the following new section and renumbering the original section 4 to read as 5:

4 Contingent Renumbering. If SB 805, An Act reorganizing and making further amendments to the administrative procedure act, becomes law, the reference to RSA 541-A:3-a in RSA 125-J:12, II as inserted by section 2 of this act shall be renumbered to RSA 541-A:6.

Senator Currier moved adoption.

Adopted.

6704B

Enrolled Bill Amendment to HB 1524-FN

Amend section 11 of the bill by replacing line 1 with the following:

11 Licenses for Vending Facilities. Amend RSA 186-B:12 to read

Amend section 19 of the bill by replacing line 3 with the following:
RSA 329:20-a to read as follows:

Amend RSA 200-C:1 as inserted by section 15 of the bill by replacing line 3 with the following:

the authority in writing, the [director] *administrator* of the [division] *bureau* of vocational

Amend section 21 of the bill by replacing line 5 with the following:
vocational rehabilitation": RSA 21-I:18, I(h); 200-C:2-3; the introductory

Senator Currier moved adoption.

Adopted.

6716B

Enrolled Bill Amendment to HB 1533

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the composition of the pesticide control board.

Senator Currier moved adoption.

Adopted.

6684B

Enrolled Bill Amendment to HB 1566-FN

Amend the bill by deleting section 15 and renumbering section 16 to read as 15.

Amend the bill by replacing section 15 with the following:

I. Sections 1-6 and 12-14 of this act shall take effect upon its passage.

II. Sections 7-10 of this act shall take effect as provided in section 14.

III. Section 11 of this act shall take effect May 23, 1994 at 12:01 a.m.

Senator Currier moved adoption.

Adopted.

6719B

Enrolled Bill Amendment to HB 1571-A

Amend sections 3 and 4 of the bill by replacing them with the following:

3 Capital Appropriations; Total State Appropriation Increased. Amend 1993, 359:1, total state appropriation section 1, as amended by 1993, 360:7 and 1994, 204:3 to read as follows:

Total state appropriation section 1 [\$41,204,888] **\$47,204,888**

4 Bonds Authorized; Bonds Total Increased. Amend 1993, 359:9 as amended by 1993, 360:10 and 1994, 204:4 to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$63,816,888] **\$69,816,888** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Amend the bill by replacing all after section 7 with the following:

8 1994 Chapter Law Corrected. 1994, 204:3 and 4 are repealed and reenacted to read as follows:

204:3 1993 Total Reduced. 1993, 359:1, total state appropriation, as amended by 1993, 360:7 is repealed and reenacted to read as follows:

Total state appropriation section 1 \$41,204,888

204:4 1993 Bonds Reduced. 1993, 359:9 as amended by 1993, 360:10 is repealed and reenacted to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$63,816,888 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Effective Date.

I. Sections 1, 2, and 5-8 of this act shall take effect upon its passage.

II. Sections 3 and 4 of this act shall take effect one minute after its passage.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 260, establishing a used oil collection program and an automobile oil fee to fund such program, and making a supplemental appropriation to the department of environment services.

HB 389, relative to the disclosure of certain historical information regarding property.

HB 438, requiring criminal history record and protective order checks for sales of handguns by dealers using a premium telephone service and making an appropriation therefor.

HB 451, requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice.

HB 510, relative to certificate of election blanks and write-in votes.

HB 622, relative to solid waste management districts.

HB 639, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.

HB 652, relative to state fee reform.

HB 1120, making procedural and housekeeping changes regarding the board of tax and land appeals.

HB 1135, relative to a study committee of resolution of family issues within the state court system.

HB 1144, permitting the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer and relative to the permit fee.

HB 1191, relative to victims and victims' compensation.

HB 1231, establishing a committee to oversee the site selection, design and construction of a New Hampshire law enforcement memorial.

HB 1237, relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime.

HB 1268, requiring the department of transportation to add traffic signals and make improvements to certain portions of U.S. Route 3 and making an appropriation therefor.

HB 1282, allowing coyote hunting at night and establishing a license fee for hunting coyote at night.

HB 1283, relative to transporting scrap metal.

HB 1382, creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund.

HB 1420, relative to the sale of defective vehicles and vehicle leases which are not sales or security interests.

HB 1429, exempting municipal recreation programs from child day care licensing regulation.

HB 1447, making communications of advanced registered nurse practitioners privileged, extending certain duties to ARNPs, relative to temporary licensure for certain registered nurse graduates, and establishing a study committee.

HB 1450, permitting municipalities to expand the information contained on property tax bills and to include other bills and tax abatement information mailings with property tax bills.

HB 1456, relative to mental health care service providers.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and Senate Bills:

HB 1466, including advanced registered nurse practitioners in insurance policies for certain conditions.

HB 1484, relative to the tax-exempt status of certain properties and changing the membership of a study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax exempt properties.

HB 1515, relative to the emissions reduction credits trading program.

HB 1524, relative to the executive reorganization of the department of education.

HB 1533, relative to the composition of the pesticide control board.

HB 1566, relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in organized places which are not organized for voting, relative to the declaration of intent forms, relative to filing for a special election primary, relative to the party designation on

ballots, relative to the board of claims, and relative to the appropriation to the board of auctioneers to fund continuing education.

HB 1571, appropriating funds for the design and renovation of the Brown building, making a capital appropriation for the construction and furnishing of the Plymouth district courthouse, and relative to the capital appropriation for the fire standards and training dormitory.

SB 225, relative to the shoreland protection and making an appropriation therefor.

SB 523, establishing a committee to study patient access to information about health care providers and the quality assurance process and allowing nonprofit agencies serving disabled person to apply for walking disability placards.

SB 580, establishing a committee to study future directions for New Hampshire child care licensing policies.

SB 592, making a technical correction to the regulation of the height of a motor vehicle body and chassis and prohibiting the display of expired number plates.

SB 638, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections and making a supplemental appropriation to the department of corrections.

SB 685, relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; granting municipalities options for fire department financing and property ownership; and changing the bureau of fire standards and training to the division of fire standards and training.

SB 723, requiring the director of the division of human services to submit a proposal for expanding the emergency assistance program under Title IV-A of the Social Security Act to include certain non-AFDC eligible households.

SB 740, relative to employee leasing and making an appropriation therefor to the department of labor.

SB 747, relative to rent-to-own agreements.

SB 791, making certain appropriations to the department of health and human services, establishing a committee to study the feasibility of creating health care provider cooperative agreements, and establishing the New Hampshire health care reform coordinating committee.

SB 793, authorizing loans to be made to the Pease development authority and establishing a committee to study the feasibility of establishing a theme park, convention center, and casino at certain sites and making an appropriation therefor.

SB 90, relative to child support enforcement and child support payments.

SB 650, establishing a committee to study lead base paint abatement, relative to the nuclear decommissioning financing committees and authorizing the housing finance authority to make lead abatement loans.

Senator Currier moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled Senate Bills:

SB 672, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings.

SB 688, relative to redemption of property subject to tax liens for the elderly and disabled and inserting certain references with regard to the exemption for the totally and permanently disabled.

SB 753, relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor.

SB 763, establishing an executive board for national and community service.

SB 800, relative to the child protection act.

SB 625, relative to an in-home care pilot program and relative to community based care and making appropriations therefor.

SB 655, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor.

SB 670, making technical corrections to the securities laws, relative to fees for securities registration, and reinstating the charter of the Union International Corporation.

SB 701, extending the duties of the convention center study committee.

SB 709, relative to changes mandated by OBRA, repealing a statute in conflict with the children's health plan, relative to the date on which medical child support orders must begin to include provisions concerning wage assignment, relative to the appointment and salary of certain employees of the department of health and human services and relative to the authority of hospice house staff members to administer medication.

SB 772, authorizing involuntary civil commitment for certain individuals and making appropriations therefor.

SB 774, to increase the medicaid coverage for all pregnant women and children up to 18 years of age and making an appropriation therefor.

SB 805, reorganizing and making further amendments to the administrative procedure act.

Senator Currier moved adoption.

Adopted.

ANNOUNCEMENTS**LATE SESSION**

Senator Bourque moved that the business of the day being completed, that the Senate now adjourn to the Call of the Chair.

Adopted.

Adjourned to the Call of the Chair.

June 22, 1994

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Rev. David P. Jones, Senate Chaplain.

The legendary management consultant Peter Drucker has written, "There is no such thing as a good person. Good for what, is the question". I beg to differ with the guru on that point. I have observed that too many people too much of the time evaluate you based on your opinions and your votes. I choose rather to evaluate each one of you based on who you are. It's not a bad evaluative technique. So, far left, far right or smack dab in the center, here is my final, non-partisan, unorthodox and totally genuine evaluation of you as you finish this session: Despite Peter Drucker, you are very good people. I will miss you. I will think of you. And I love you. Thanks for the ride. Lord of the liberals, Creator of the conservatives, Maker of the moderates and Lover of the libertarians, thank you for the privilege you give us of sharing in the work of government. Bless what we have done well. Perfect what we have done partially. And forgive us for what we have done wrong. For we have given it our best shot. Amen

Senator MacDonald led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SENATOR DISNARD: We all hear about the beauty of the forest and the beauty of the trees and the beauty of New Hampshire. I am very honored and privileged to introduce the beautiful Miss New Hampshire, Heather Hastings of Newport. I hope that you will welcome her as you always do, but especially a beautiful young lady, we should also consider this. She has a brief message for us that I know that you will listen attentively to, please.

MS. HASTINGS: Members of the Senate, thank you. Thank you so much for inviting me here today. Drug use among American young people has been making a clear comeback in the past two years. That is the conclusion of the University of Michigan's Research Scientists at the University's Institute for Social Research. In the 1993 results from their 19th annual survey of American high school seniors, and their third annual survey of eighth and tenth graders, the investigators report a sharp rise in marijuana use throughout the country at all three grade levels as well as an increase in the use of stimulants and LSD. I have personally seen the dangers of drug and alcohol abuse through some of my peers. This destruction of our youth is why I chose drug and alcohol abuse prevention as my platform as Miss New Hampshire. I believe that this is an issue of vital importance which must be realized and addressed by all of us. For one year now, I have been volunteering for the DARE, Drug Abuse Resistance Education program, at several schools throughout the state. Additionally, I have implemented my own program in conjunction with the DARE program, calling Stepping Out and Up. This complements the DARE program, but also emphasizes the importance of having goals and dreams. On May 13, 1994 I won Miss New Hampshire and that provided me with a voice, which enabled me to speak to the youth of New Hampshire on a statewide basis; however, I alone cannot combat New Hampshire's drug problem. I challenge each of you today, to maintain your efforts in supporting anti-drug legislation. For example, enhanced penalties for drug activities which take place on school property have provided a tremendous impact on drug use in our schools. I urge you to continue in backing such issues which help keep our

children drug and alcohol free. I tell the children that I speak to, a person without a dream has nothing, does nothing and is nothing and they learn that the only way that they can achieve their goals and dreams is to stay drug free.

Thank you again, for inviting me here today and I would like to take this opportunity to also thank the businesses throughout New Hampshire that support the Miss New Hampshire Scholarship program. As some of you may not know, we rank 19th in the nation for scholarship funds. I have won, in gifts and scholarship money, about \$28,000. When I go back to school next semester at the University of New Hampshire, I have \$8,500. So I can go to school for as long as I want. Thank you. Also, the Miss America Pageant will be shown on TV on September 17, so I hope that you all will watch it and you can say, "I know her."

SENATOR DISNARD: Shannon, the individual Senators that I saw; most of them were here at the time, each spoke and said will I give you their best wishes and let you know that they are all supporting you. Your thoughtful message when I could see the look on all their faces, they were listening and I want you know they appreciate you very much.

SENATOR CURRIER: As you all know, at the last session, we presented teeshirts to the retiring members of the Senate and it was after that date that another fellow Senator decided not to seek re-election. I would like to ask Senator Bourque to come up here and receive her New Hampshire Senate teeshirt.

SUSPENSION OF THE RULES

Senator Blaisdell moved that Senate Rule 17A and 17B be suspended to allow the introduction of a Senate Bill after the deadline. **SB 810**, legalizing the Hanover school district special meeting held June 8 and 9, 1994.

Adopted by the necessary 2/3 vote.

Senators Barnes, Colantuono, Currier, Lovejoy & Wheeler in opposition to the introduction of SB 810.

INTRODUCTION OF SENATE BILL

SB 810, legalizing the Hanover school district special meeting held June 8 and 9, 1994. (Hough, Dist. 5; Bean, Graf. 14; Nordgren, Graf. 10; Copenhaver, Graf. 10; Crory, Graf. 10; Guest, Graf. 10)

SUSPENSION OF THE RULES

Senator Blaisdell moved that the Rules of the Senate be suspended to dispense with the printing and distribution of a bill, to dispense with the holding of a hearing, the notice of a committee report in the calendar, and that **SB 810**, legalizing the Hanover school district special meeting held June 8 and 9, 1994, be put on Second Reading at the present time.

Adopted by the necessary 2/3 vote.

Senators Barnes, Colantuono, Currier, Lovejoy & Wheeler in opposition to the motion of second reading on SB 810.

SUSPENSION OF THE RULES

Senator Blaisdell moved that the rules be suspended to put **SB 810**, legalizing the Hanover school district special meeting held June 8 and 9, 1994, on Third Reading and Final Passage at the present time.

Adopted by the necessary 2/3 vote.

Senators Barnes, Colantuono, Currier, Lovejoy & Wheeler in opposition to the motion of third reading on SB 810.

Third Reading and Final Passage

SB 810, legalizing the Hanover school district special meeting held June 8 and 9, 1994,

VETO MESSAGE STATE OF NEW HAMPSHIRE OFFICE OF THE GOVERNOR

June 7, 1994

To The Honorable Members of the General Court:

I hereby veto SB 753, an act which provides additional benefits to welfare recipients. This bill creates expensive new programs at a time when our State should be streamlining the welfare system.

I cannot support the status quo in welfare. This bill creates unrealistic expectations, is impossible to fairly administer and spends money on problems that do not exist in New Hampshire. Our citizens are not well served by such unwarranted spending.

Our first goal in welfare must be to maximize current resources, to help families achieve self-sufficiency and to contain program costs. That is why we recently announced a comprehensive approach to welfare reform that is responsive to New Hampshire's actual welfare concerns. Unlike the expanded programs established in SB 753, our plan did not result from a reaction to nationally-gathered data and statistics.

The New Hampshire welfare reform plan was crafted in response to a thorough study of the New Hampshire welfare caseload recently completed by the Department of Health and Human Services. New Hampshire citizens deserve reforms that are directed at real, not perceived, problems. They expect progress in containing, not increasing, costs. Our new welfare plan does that; SB 753 does not.

The Health and Human Services study of the New Hampshire AFDC caseload demonstrates that this extra benefit would not achieve the result sought. The study reveals that once a New Hampshire family begins receiving AFDC benefits, there is not a statistical relationship between the participants educational level and the family's length of time on assistance. Thus, an additional year of benefits will not reduce dependency.

This bill greatly understates its actual cost. For example, the bill appropriates \$150,000 to pay for the educational component of the bill. Health and Human Services, however, offered testimony that this section would actually cost \$1.6 million. The sponsors ignored this testimony.

Next, the flat shelter grant. Today, if a welfare recipient is living with a family member and does not need money for rent, he or she does not receive a housing benefit. Despite this logic, this bill changes that provision by providing a housing grant to every participant. The increased cost of \$600,000 will do nothing to help families get off welfare.

What does matter, and what SB 753 fails to recognize, is the age of the AFDC dependent parent. The younger the New Hampshire parent is when the AFDC case first opens, the longer the family continues to receive AFDC payments. While this bill ignores this important relationship, our State's new welfare plan specifically targets this group to prevent them from be-

ing on welfare in the first place. For every case our welfare plan prevents us, the State of New Hampshire will realize a savings of many thousands and further enhance the quality of life for those recipients.

While SB 753 claims to reform welfare, it contains no serious policy structure and targets only small, specific groups for additional benefits without regard to the New Hampshire AFDC experience. The State needs a focused, streamlined and efficient welfare policy. By understanding New Hampshire's welfare system and its underlying causes, we can bring about responsible welfare reform. By reacting to national statistics reflecting non New Hampshire problems, as SB 753 does, we do a disservice to the recipients of AFDC and to taxpayers alike.

Stephen Merrill

Governor

SENATOR W. KING: As you will recall, this is the same bill that I think takes an initial step towards reforming welfare in the state of New Hampshire. It recognizes that over the years that we have created a morass of bureaucracy at the state level that prevents people from moving out of welfare and into productive lives. It passed this Senate overwhelmingly. It passed the House, as well, with a bi-partisan vote in both bodies. Now I understand that a day like this, to some extent, is an exercise in a Governor's power over the legislature. I would ask, knowing that it is highly unlikely, I would nonetheless ask that all of you in this room who recognize that we did the right thing when we said that it was wrong for a family to lose benefits because their child was saving money to go to college and to make his or her life better; that it was wrong to prevent a family from purchasing a computer to start a home based business that is what we do now. We say that if you purchase a computer to start a home based business, you lose benefits. All of those things are bureaucratic roadblocks that we have put up over the years that prevent families from moving off of welfare, from becoming good taxpaying citizens in the State of New Hampshire. Most of those people who are currently receiving benefits want so much to be able to do that, but we in government have provided those road blocks to keep them from doing that. We have created a cycle of dependences. The only way that we begin to end that is to build bridges out of poverty. We all know that this bill does exactly that. That is why we voted for it the first time and I would ask you to vote for it again.

SENATOR MCLANE: Senator King, I have two questions. One of them is, I assume that you didn't put this bill in alone, and I wonder if you had worked with other groups such as Child and Family Services and other people who have been long interested in welfare to compose this bill?

SENATOR W. KING: Senator McLane, this bill was largely designed by a coalition of people, many of who were recipients of welfare or former recipients of welfare. The horror stories that you hear from them, about the indignities of the process, about the roadblocks that state government places to prevent them from taking care of their families and getting productive work, I know that you have heard them, but in this one room gathered people who had horror stories, both from the viewpoint of those who were dependent on the system as well as those who had managed to escape the system. So this was a bill that was put together with a great deal of thought. We looked at programs all over the country to see where bills were most successful. For example, in Iowa, the loan program that is built into this bill, in Iowa, they saved \$3 million for a \$1 million expenditure over just a period of two years.

SENATOR MCLANE: My second question is, I wondered if you were listening to public radio this morning and heard the long analysis of the GI Bill of Rights? I think that there are a lot of people in this room, who get to salute the flag before the rest of us, that were beneficiaries of the GI Bill of Rights. It occurred to me as I was listening to it driving in, would you say that this was sort of a GI Bill of Rights for welfare people that was very similar to that historic legislation that apparently was passed 50 years ago today?

SENATOR W. KING: Well, Senator McLane, I did not hear the story on NPR, but I would tell you this. I believe that what this bill does is to provide a bridge out of dependence on welfare for people so that they can become productive, taxpaying citizens in the State of New Hampshire and that the vast majority of them want that very much.

SENATOR PODLES: Senator King, SB 753 appropriates \$150,000 for the educational component of the bill; however, Health and Human Services offered testimony in committee, and said that it actually costs \$1.6 million. Could you comment on that? Do you agree with that?

SENATOR W. KING: No.

SENATOR PODLES: Would you comment further on it?

SENATOR W. KING: Well, Health and Human Services supported this bill through the Senate. They came in and they supported it. They worked with us. They supported it as it passed through the Senate and then something happened in the process. I would submit that that something was Governor Merrill. But something happened when it reached the House. And yet, despite the fact that Governor Merrill came out in opposition to this bill, and that Health and Human Services came out in opposition to this bill, this bill passed not only once through the House, but passed twice through the House, on an overwhelmingly bi-partisan vote. Now I have not tried to stand up here today and beat up on Governor Merrill, because we took bi-partisan action in this body and the House took bi-partisan action in their body and if we are going to do the right thing, if we are going to relieve the taxpayers in the State of New Hampshire of some of the burden that is imposed upon them, by people who are receiving welfare benefits in this state, we ought to be willing to do the right thing today and override Governor Merrill's veto on this.

SENATOR HOLLINGWORTH: Senator King, maybe to help clear up the matter that Senator Podles was addressing as far as the money, isn't it true that everything has been amended out of this bill by the Appropriations Committee that did not have a federal match, so that what we have left in this bill is those things that had federal matches and that is why the numbers you are giving are correct?

SENATOR W. KING: Yes, that is correct.

SENATOR HOLLINGWORTH: Senator King, you touched on it briefly, you said that there were several hearings on this bill. To my recollection, this bill was heard, it had eight votes on it in the process, in the committee, before the Finance Committee and then in both of those cases, by the full body because it came before them then. Then it proceeded to the House and it had the same kind of thing. So in all, it had a total of eight votes by the committees and the full House and the Senate, in which time they all supported this piece of legislation. What we are seeing is a reformation and a request of the committees to hold to what they believe was right when they first voted for this piece of legislation?

SENATOR W. KING: Senator Hollingworth, I would say that the answer to that is yes. Eight bi-partisan votes. Eight votes that would save taxpayers in the State of New Hampshire a great deal of money over the next few years. Eight votes that stayed away from partisan politics and a veto that was purely partisan politics.

SENATOR BALDIZAR: I just have some brief comments to make regarding this bill. I was disappointed that the governor chose to veto this bill because of the fine bi-partisan effort that had taken place previously, in both the House and the Senate. I think that as a nation that we are looking at welfare reform and each state individually across this nation is looking at welfare reform. I think that this bill might have been a step in the right direction. I understand that we need to bring in the bottom line and reduce our budget in the State of New Hampshire. I understand that as well as anybody else, but I think that you also need to spend money upfront, smart. I think that down the road, this bill would have saved the State of New Hampshire a considerable amount of money by enabling people to start a small business or to save enough money to go to college, thereby getting a better job out in the workplace and enabling them to get off of welfare, in the long term, to save the state money. I attended the White House Conference on Small Business several weeks ago at the Sheraton Tara in Nashua. The governor addressed that group and gave some opening remarks. And Governor Merrill said at that time, "the backbone of economic development in the State of New Hampshire in the 1990's would be small business." The development and the success of small business would be the backbone of the economic future of the State of New Hampshire. If we don't enable and support these small businesses and support people who are hoping to start them, at the grassroots level, we are never going to have economic development in the State of New Hampshire.

SENATOR SHAHEEN: Senator King, isn't it true that if this bill passed that the 50/50 federal match would actually provide savings to local communities in terms of welfare costs?

SENATOR W. KING: I believe that is the case, Senator Shaheen. In addition to that, the \$160 million which Senator Podles spoke of was a cap that was placed on what could be expended for the third year of education.

SENATOR LOVEJOY: Senator King, most of the people that I know and come into contact with, are neither rich nor poor. In fact, they're people who are struggling every day to buy groceries, to buy housing, to meet the every day needs of their children and their families, and they are hard pressed. Isn't it true, that it might be unfair to further saddle these people who are struggling, to provide a college education for children, when they can't afford to do for themselves, but they don't qualify for these benefits?

SENATOR W. KING: Senator Lovejoy, that is exactly why this bill was introduced, so that we would not saddle them with maintaining people within a system in which they were trapped. We can save money, significant money in doing this. We know the figures in terms of the pilot program. We know that for every dollar that we spend on this pilot program, the evidence shows that we will save \$3. So, in fact, what we are trying to do in this bill is to alleviate the people of whom you speak and who we are all very concerned about. We must give people an avenue out of dependence. We have caused this dependence, just as much as anybody else and we must do something to reverse that. There are really two things that we must do to reform welfare, one, to expect personal responsibility from every individual and two, to expect that the state will be an equal partner in help-

ing people get out of dependence and that they will not place road blocks in front of them. The State of New Hampshire and its political bureaucracy, has done everything in its power to enslave people who are on this system. This is the first step in a very long time to saying that we are going to eliminate some of those roadblocks so that you can become a productive taxpaying citizen as you want to.

SENATOR LOVEJOY: Wouldn't you agree, Senator King, that the best way to bring people out of dependence, and, in fact, New Hampshire's record of leading the nation, one of the best in the nation as far as longevity of dependence and as far as a percentage of dependence, but wouldn't you agree, Senator King, that the best way to alleviate welfare dependence is economic growth and development so that jobs are available for these people?

SENATOR W. KING: The best social program in the world is jobs, Senator Lovejoy, and unless you have a decent education these days, you can't get a job. We know that today a college educated student is fighting over chain store jobs because we are adding jobs that are low paying with no benefits. In our economy we are losing jobs that have good benefits. We have got to reverse that, there is no question about that, to benefit everybody, including those who are welfare recipients. So there is no question about that. I do challenge, however, your statistics. I do agree with you that we have one of the shortest periods of longevity, which runs contrary to the complaints that everybody makes about welfare recipients. By and large, the average person who receives welfare in the State of New Hampshire, does so as an emergency measure and is off within less than two years. That is a fact, and I do agree with that. What I don't agree with is that when you say that we have one of the lowest numbers, on a per capita basis, we still have the fastest growing number of people receiving food stamps and welfare in the United States of America today according to the New York Times last week.

SENATOR COLANTUONO: I rise to support the Governor's veto and to say that the veto was the result of good policy and not the result of partisan politics. This bill is called welfare reform by its proponents, but it is not welfare reform. All that it is, is an extension of benefits for people who are on welfare. The bill was written by persons from welfare advocacy groups whose job it is to do the best that they can for their clients, and that is what they have done in this bill. It is not surprising that this bill does things like give recipients a housing grant regardless of needs. It gives them an extra year of college. It gives them business loans of up to \$5,000 which I think the average taxpaying citizen that Senator Lovejoy was referring to, would be shocked to see because these people, by definition, are not able to even get a job. How can they start their own business with a \$5,000 business loan? But the thing that proves that this bill is not true welfare reform as that term is understood around the nation today, is that there is no time limit given to get people off welfare. Even President Clinton is proposing a two-year time limit and the welfare reform proposals, that have been passed in states like Wisconsin, have a time limit and that is what is needed. This bill is simply a bill which increases welfare benefits dressed up and called a reform measure. It is not a reform measure and that is why Governor Merrill was correct when he vetoed it. Governor Merrill has ideas on reforming welfare. He has already started on his own plan and I think that you will be seeing more things in the next legislative session.

SENATOR W. KING: Senator Colantuono, is there any time limit in the Governor's proposal?

SENATOR COLANTUONO: No there is not, that I understand right now, but as I said, more ideas are going to be coming down and I may be filing legislation next year with a time limit.

SENATOR W. KING: Senator Colantuono, do you realize that the reason that neither myself nor Governor Merrill put a time limit in — I didn't put a time limit in my bill and he hasn't put a time limit in his suggestions — is that because if you put a time limit on welfare reform, according to state law in the State of New Hampshire, the burden would have to be picked up by local communities and therefore, it would raise local property taxes significantly to pay for welfare reform?

SENATOR COLANTUONO: That can be changed by state law.

SENATOR W. KING: Well, I would like to hear how, but you don't have to explain it now.

SENATOR HOLLINGWORTH: Senator Colantuono, I have two questions. The first one is, I think that I heard you say that this bill was brought in by welfare advocates who want to keep people on welfare. I am certain that you don't mean that?

SENATOR COLANTUONO: I didn't say that.

SENATOR HOLLINGWORTH: You didn't mean that?

SENATOR COLANTUONO: I said that it was brought in by welfare advocates whose job it is to assist people on welfare.

SENATOR HOLLINGWORTH: Right, so certainly if they are advocates, they are trying to help people who are on welfare and therefore, they would be trying to get them off welfare, right?

SENATOR COLANTUONO: No, they're advocates for welfare recipients to do the best that they can for the welfare recipients like any attorney would do for clients. For example, last session they put in a bill to increase the benefits, that is the kind of thing that they do. That is how I see this bill, in the same framework as that bill.

SENATOR HOLLINGWORTH: Don't you think the best help for people on welfare is putting them to work?

SENATOR COLANTUONO: Yes. I don't think that this bill does that though, because this bill doesn't require anybody to get a job and to get off welfare.

SENATOR HOLLINGWORTH: You mentioned that the governor's proposal didn't have a time limit in it and that this doesn't have a time limit in it. My question to you is that I am sure that you read the statistics that were put out by the Governor that clearly indicate that people in New Hampshire do not stay on welfare. In fact, New Hampshire leads the country in the time length that people are on welfare. Is that not true?

SENATOR COLANTUONO: Yes, although, if my memory serves me correctly, I would disagree with Senator King's statistics. The statistic that I remember is that the average stay is around four years, which is a further reason why it would be easier for New Hampshire to impose a time limit than it would be for some other states.

SENATOR HOLLINGWORTH: Isn't it also true that the governor's proposal would have women who are on welfare not be able to bear a child during the time that they are on welfare or that if they bear a child, that they would not receive the average \$65 for that additional child? What it costs per child by the state's average is about \$300 a month instead of \$65 a month that we give them.

SENATOR COLANTUONO: That reform is part of the package in almost all of the states that are putting reforms into effect. It is very popular. I think that you will even see it coming out of Washington.

SENATOR HOLLINGWORTH: But isn't it strange, Senator Colantuono, where the governor says that this is New Hampshire's answer and New Hampshire's proposals and we won't look at what other states are doing and we find that women in New Hampshire are not bearing children while they are on welfare. In fact, his own study indicated that it is clear that the numbers are way down and that there is a very small percentage. I think that it is about two percent or some ridiculous number like that and that, in fact, it costs more money to have a child than what we get from the meager support of \$65. So how in God's name does that make sense?

SENATOR COLANTUONO: Well these questions don't really apply to this bill, but again, because of the fact that the numbers aren't very high in New Hampshire, it is much easier in New Hampshire to put that reform into effect.

SENATOR WHEELER: Senator Colantuono has covered a few of the points that I wanted to cover, so I will just focus on two. This is definitely a boondoggle bill and it is definitely back, and the governor is definitely right. This is a bad bill. The bill does not have accountability in it. One of the things that the bill does regarding housing grants is that it lets someone get a housing grant without being accountable to paying that housing bill. There is no "here is the bill and here is the money to reimburse you for your housing." They could get into housing somewhere and then move in with their parents or their boyfriend and still get their housing allowance. It also says that they can have up to \$10,000 in cash or liquid assets set aside for education, but there is no penalty if they don't use those assets for education ever. Also, we give them two years of college now. I think that is enough and three years goes far beyond what we need to do to get someone a job. Thank you.

SENATOR COHEN: I think that it is really clear to everybody in here, Democrat and Republican, what is really going on here. This is a political year, the governor is trying to project an image. He is trying to project an image of being tight with welfare, but that image does not equal reality. It is a false image. This particular bill will help get people off welfare. That is the reality. We need to provide the tools to people to become independent of welfare which is what they want to become. The Governor is trying to project an image. It is not reality and we all know that that is true. Let's keep that in mind when we vote today. Also, let's remember that this body voted 15 to 8 in favor of this bill.

The Question is not withstanding the governor's veto, should the bill pass?
A roll call is required.

The following Senators voted Yes: Lamirande, W. King, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 12 - Nays: 11.

The 2/3 vote was not obtained.

The Governor's Veto has been sustained.

VETO MESSAGE
STATE OF NEW HAMPSHIRE

June 8, 1994

To the Honorable Members of the General Court:

I have today vetoed SB 758, an act creating a surcharge for the benefit of New Hampshire Legal Assistance.

This bill would impose a new surcharge or tax on all citizens who need to use the New Hampshire court system. This additional charge would be paid by any citizen who has to file an action in the municipal, district, probate or Superior Court.

As Governor, I am in effect the CEO of a multi-million dollar corporation called the State of New Hampshire. A group of lawyers has assured me they intend to sue our STATE corporation, and they want my help to do so. I cannot in good conscience help these lawyers sue us at enormous taxpayer expense.

Legal Assistance was created to provide poor people access to the legal system for dispute resolution and to protect their individual interests. Sadly, Legal Assistance has become a liberal, cause-oriented organization that defines itself primarily by bringing high visibility classaction lawsuits against the State. The number of such lawsuits is less important than the significant expense of the lawsuits themselves. New Hampshire citizens will pay this cost in two ways: first, in the new surcharge; and second, in the taxpayer dollars needed to defend the State against Legal Assistance lawsuits.

If this bill were allowed to become law, the fund created by the charge would have no legislative or executive oversight. This would give New Hampshire Legal Assistance an advantage over every other group operating within our governmental system. Legal Assistance should not be insulated from the accountability which the citizens of this State demand of all others in the public sector who spend their tax dollars.

At a time when our State budget allocated fifty percent (50%) of our Departments the same, or less, money than the previous State Budget, it is difficult to justify giving Legal Assistance more money to drive up the cost of government. Legal Assistance can better allocate its current 1.7 million dollar budget. For example, lawyers who should be providing legal service to the poor could stop providing full-time legislative assistance to members of the State Senate. A full-time Legal Assistance lawyer was not needed for many months drafting a New Hampshire version of the Clinton Health Care Plan. How many poor people's cases could have been handled by lawyers who chose instead to provide free drafting service and full-time lobbying on non-poverty issues in our legislative halls?

A complex lawsuit brought by Legal Assistance can cost the taxpayers \$300,000 to defend. Over the past two years, the equivalent of 2 1/2 Assistant Attorneys General have worked full-time defending classaction lawsuits filed against the State by Legal Assistance. Our lawyers' salaries and benefits alone have cost the taxpayers of this State over half a million dollars in the past 2 years. In addition are the expert witness fees and other litigation costs.

Legal Assistance is under this same scrutiny at the Federal level where Congressional Democrats and Republicans alike are upset with the direction that the organization has taken. At a time when taxpayer dollars are precious, Legal Assistance is suing the State of New Jersey to stop its

welfare reform package and is trying to push the Clinton Health Plan on New Hampshire. This organization needs a wake-up call to the realities of the 90's. I respect their efforts to assist the plight of poor people and urge them to move away from their liberal class action lawsuit political philosophy. Citizens of our State who have to pay for their own legal representation should not have to subsidize a political organization that does not always act in the best interest of those it is intended to serve.

Stephen Merrill
Governor

SENATOR MCLANE: I rise in strong support of SB 758. I thought that I would begin my talk today by reading a letter from Senator Warren Rudman. I have copies of this letter to pass out to you, but I think that I am a little discouraged about what words are going to do today, so I will just read it to you. "I am informing you that Senator Rudman is in support of SB 758. Most states provide funding for civil legal services for the poor because they know how important it is to provide all citizens with access to Justice. Today, the need has never been greater. Doctor Harry Bird, in the Globe, called Legal Assistance valuable and reasonable. Tom Rath, the judicial Counsel, the Chief Justice, nine United Ways, and some simply wonderful editorials in the Claremont Eagle, the Keene Centennial, the Laconia paper and the Concord paper, they have all supported, with bipartisan support, legal services. The governor is in opposition because he said that 66 cases were brought during his time as attorney general, but I think that it is interesting that other attorneys general, being Rath, Souter and Rudman, were all in strong support of legal services. Even the governor admits that they do a good job. There have been no civil cases since 1991 brought by them. And perhaps the governor was talking about the Laconia state suit and I wonder if we would have wanted that condition at Laconia to go unchallenged. Who else is going to speak for poor people? The number of cases is going up every year and the funding is going down, partly because of interest on lawyers' trust accounts which does not produce the revenue that it used to, but still 25,000 people call Legal Assistance each year, 10,000 of them in Manchester. They can't even answer the calls, much less provide services to these people. Every other state either funds legal services or has a system such as we have provided for fees. These fees would be \$5 on a case and if you're poor, you don't have to pay the fee anyway. Other states charge \$30 and \$40 that don't provide the money. It is such a simple thing, that justice cannot be done without a lawyer to represent you. When the Chief Justice called me, he talked about the increase in "pro se" court cases. Thirty five percent of cases now before the courts are pro se. I was embarrassed to admit to the Chief Justice that I didn't understand what the words pro se meant. I have now figured it out because I have read what Chief Justice Joseph Nadeau said, "without legal services, individuals must represent themselves. A condition which often makes routine cases complicated. Pro se litigants place a heavy burden on court staff, scheduling and resources and when large numbers of litigants represent themselves, the quality of justice for everyone suffers." That is the quote from the Chief Justice Nadeau. That is the quote from the Chief Justice of the Superior Court. I feel that we have presented a very small and simple solution to a problem about justice to a problem that democracy is based on. I am sorry that the governor, because of his personal experience as an attorney general, differing from all other attorney generals in the 25 years that I have been here, has seen fit to veto this bill. It is wrong and we will become again, the only state not to fund legal services.

SENATOR HOLLINGWORTH: I don't want to belabor this because Susan has said just about everything that needed to be said, but I have to respond just briefly to parts of what I saw in the governor's veto in SB 758. He was upset over the fact that one of the attorneys was working on the health care plan. But what he said in this veto in one particular place, and I think that you all have it before you, he said, "how many poor peoples cases could have been handled by lawyers who chose instead, to provide free drafting services and full time lobbying on nonpoverty issues in our legal legislative halls?" I have to say that all of the bills that legal assistance worked on were poverty and welfare bills. They worked on those bills, they did not draft them. They were scribes for the people who worked very hard, the nonprofit groups that were trying to provide services. And they did not do anything that they should not be proud of having done to serve the poor of this state. I think that clearly, in this case, this veto, and I am talking to an empty group here, and I am sure that my voice is falling on deaf ears of the few of you that are here, but everyone from the Chief Justice to Warren Rudman to Chief Justice Nadeau, to anybody who knows about our court system says, and even the governor says, that legal assistance is needed for the poor. I got out the minutes of the hearing. There were many people speaking in favor and only one person from the city of Laconia, because Laconia was sued. So it is like the Governor said, if you sue us, we are not going to let you do the right thing. I mean, it is really strange if that is the only way that our poor people can get services. Here is a letter from a Richard Gagliuso, I think that is how you say his name, he is from the Judicial council and he is a chairman. He says that he is an attorney as well. He also stated that they had a meeting earlier and the council voted unanimously to support this bill. The member of the council who spoke echoed my personal sentiments, which are that the service provided by the New Hampshire Legal Assistance are critical to the state. I would echo strongly, Senator McLane's comments, who really spoke to the importance of what this agency does much more eloquently than I could. He goes on to say, and he says, "but the legal system in New Hampshire depends very much on people being represented. Ultimately, the cost as any judge or lawyer who works in the system will tell you, the cost of the system of processing the cases without throughout the system, is much higher when there is pro se litigation involved. We have in this state a constitutional obligation to provide counselling for certain people charged with certain crimes. And we do that. We do not have, currently, constitutional obligation, to provide counselling for people who are involved in civil litigation in this state. However, I would suggest to you that many of the legal issues and problems faced by people on the civil side are equally as important, equally impacting on their lives, equally deserving of needing legal representation. He goes on, "It is amazing to me." Again, we have a bill that was heard by several committees, voted on by this body, more than once, voted on by the House by several committees, voted on by that House on several occasions and received unanimous support. You have all the people who are the experts on the issue saying that this should pass, and yet, you have a governor, and I believe that it is pure mean spirited in this, taking out his frustration on the people of this state, not on legal assistance, because by denying this money, he is not hurting legal assistance, he is hurting the people of this state, the poor people of this state that need his services, that is who he is hurting. That is also hurting our court system because if those people can't be represented, they will appear in court and it will cost us many, many, many, more dollars than what this piece of legislation, since it is not costing the state out of general fund dollars, but it is costing at the

level that it . . . I am really frustrated on this, I have to be honest. I guess that I would just ask that you would uphold your vote that you have done in the past, that you have supported. New Hampshire doesn't need to be one of the few states that doesn't care about the poor and that they should be represented and have their homes protected. It is going to put costs back on the local government. There is no way around it. They are going to have to pick up the services that are not provided by the federal government that would otherwise be fought for through legal assistance. There is no reality as to why this bill has been vetoed. I would ask that you vote ought to pass and override the governor's veto.

SENATOR SHAHEEN: I would like to belabor this point, because I think that the governor misrepresented the work of legal assistance and he misrepresented the class action suits when he vetoed this bill. I have a letter here that the governor wrote to a constituent who wrote him asking support for the bill. What he says is that when he was an attorney general that organization, quote, "when I was an attorney general, that organization sued my office no less than sixty six times." Well the fact is, that in the last ten years which I think encompasses the entire time that the governor was an attorney general, that legal assistance sued the state in class action ten times. As Senator McLane pointed out they have not filed a class action suit despite what he says in his veto message, since December of 1991. Either the governor can't count or he doesn't know what a class action suit against the state is. The fact is there aren't any tax dollars out of the treasury to pay for this bill. It would come out of fees. It is the fiscally responsible thing to do if we want to provide assistance, which the constitution says is necessary for those people who cannot afford an attorney. It is the responsible thing to do and it is the right thing to do and I would urge everybody to override his veto.

SENATOR FRASER: I am standing here to support the governor's veto! I don't have experiences as exotic as the governor did when he was an attorney general, but I had some rather negative experiences with this group when I was a poor selectman in the town of Pittsfield. For a number of years we had an overseer of the poor, who was the most compassionate person I have ever known. This lady would get out there in the middle of the night if she found out there was a problem with one of our citizens. She would work Sunday and she would do anything she could to be sure that people who needed help got it. However, there were occasions when we felt that the assistance from the town of Pittsfield was not warranted. Without exception the next thing that would happen is we would have some one from legal assistance camping in our office. This woman who was overseer of the poor was not somebody who had a great deal of technical experience, so if she had not dotted the "i's" and crossed the "t's", she was threatened with all kinds of mayhem from these attorneys. As a result of it, during my tenure as a selectman, which covered six years, she finally resigned. She is one of the nicest people I know and I felt that there was no effort on the part of legal assistance, those people who came out to the town of Pittsfield to help the town. It was always an advisory position and one I had a terrible time living with. It seems to me that we have attorneys in this body, and it seems to me the New Hampshire Bar Association should be doing more on a pro bono basis to help these people. There is a no question that there is a need and I have to agree with the governor that this bill goes too far and I am going to oppose it.

SENATOR MCLANE: Senator Fraser, I guess listening to your explanation I would agree, but I wonder back when I first started in the Legislature,

the welfare officers used to go into a young woman's home and open up her ice box and if she had beer in the ice box, then she was turned down for welfare. So I know that people's attitudes are sometimes more "we know what's good for you" than what their legal rights are. So what my question to you is, what was the circumstance that the town of Pittsfield refused to help these people. And I guess, although I believe that this person was good hearted, what were the legal circumstances that they refused to help someone and then legally it came to their defense?

SENATOR FRASER: I would be less than honest to you now if I told you now about the various experiences I had. That was a long time ago that I am talking about and I have been in the General Court for ten years. So there would be no question in my mind as the Chairman of the Board of Selectman that this person who had ever applied for assistance was not entitled to it under our law. What happened to us on more than one occasion, in fact it was on almost a regular basis, where if that lady that I referred to, if she had not done exactly so as far as notices and that sort of thing we would end paying them even though it was clear under whatever set of circumstance we were debating that, that person would not be entitled to relief. Because we hadn't done it correctly we ended up paying it and there was no effort on the part of those people who are representing legal assistance to reach some sort of harmonious agreement. That was a reason that I have always had a problem with legal assistance.

SENATOR MCLANE: Excuse me for prolonging this, but as I see it, that it has been my experience, a very small percentage of the cases that legal assistance does go to court. Most of them are settled and I am surprised at this and my questions is perhaps it was something like the person wasn't married? Which used to be a reason for refusing to give someone assistance. Obviously, that standard has changed. So it was not a standard it was detail, is what you are saying.

SENATOR FRASER: All I can tell you for sure, Senator McLane, is that whatever the issue was it was our opinion that person was not entitled to benefits. As I say, this lady, she was one of the finest people I have ever known. She finally dispaired because she had a terrible time dealing with New Hampshire Legal Assistance.

SENATOR J. KING: I rise in support of overriding the governor's veto. I asked myself the question, who by this action are we going to hurt. The lawyers, judges, the rich, certain groups of people are going to be hurt and they depend upon us as an access to help them out. Under those conditions I am going to go with them and I am going to vote to override.

Question is not withstanding the Governor's veto, should the bill pass?

A roll call is required.

The following Senators voted Yes: Lamirande, W. King, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Russman, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Currier, Roberge, Wheeler, Colantuono, Podles, Barnes, Delahunty.

Yeas: 13 - Nays: 10.

The 2/3 vote was not obtained.

The Governor's Veto has been sustained.

VETO MESSAGE
STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

June 6, 1994

To The Honorable Members of the General Court:

I have this day vetoed SB 787, an act which establishes a new welfare program for adult dental care. This bill takes money from New Hampshire's Health Care Transition Fund to pay for such dental care, and that I cannot endorse.

New Hampshire already provides dental coverage for children up to age 18 under the Medicaid program, and while extending that coverage to adults is a laudable goal, not every purpose can be funded. If we begin taking millions from the Transition Fund before it has even begun, we will break the legs of health care reform before it can carry us into the future of health care needs.

The Legislature must appreciate what it has already accomplished in health care reform. As passed by the Legislature, New Hampshire's health care reform package provides primary and preventive health care coverage to a broad range of needy citizens, including: pregnant women and children up to age 18; economically disadvantaged families and at-risk children; families in need of physical and mental health care services; and substance abuse related services.

The New Hampshire Plan provides basic coverage to as many people as possible, beginning with those who currently have no access to basic medical care. That is where meaningful health care reform must begin. It is where our Plan does begin.

Against that clear direction, this bill creates a welfare service for a single category of citizens who already enjoy basic coverage under Medicaid. If each special program requires an appropriation from the Health Care Transition Fund our Plan will surely fail. Everyone would agree that portions of the Fund could also be diverted for research projects on breast cancer, cervical cancer, AIDS/HIV, and birth defects. All are worthy projects. But we simply cannot do everything in health care all at once.

By invading the Fund for this new program, SB 787 jeopardizes the wide-ranging programs and health care reform efforts that you have approved and put in place. It is for this reason that I believe SB 787 would be more appropriately considered during the next budgetary cycle in a non-state-wide model to test the effectiveness and cost of this action.

Dr. Bird and our Department of Health and Human Services state that SB 787 will cost \$24 million over the life of the Transition Fund — nearly 25% of the total amount available for health care reform. That is why he consistently testified that at this time this bill should not be a priority.

There is no guarantee that the benefits of improved dental care will result in a job offer for an AFDC participant. Any alleged cost-savings necessarily depends on a number of variables unrelated to dental care. For example, whether there are jobs available for these individuals getting this benefit, and whether the individuals receiving the care are otherwise employable. For these reasons, the Department of Health and Human Services has stated that it is impossible to track or to prove whether any savings will result by providing this additional dental care.

In adopting our new Health Care Plan, the Legislature carefully considered and crafted specific provisions to provide broad health care coverage to the largest number of citizens, those who are most vulnerable and the least able to help themselves. Responsible individuals recognize that we cannot deliver everything to everyone. And at a time when our State has become a leader in health care reform, I cannot endorse narrow programs that will drain needed revenues for reform and threaten the entire Plan.

Stephen Merrill
Governor

SENATOR MCLANE: This is my last speech of twenty five years and I am not going to let you guys off the hook easy. You've got to listen to me, because this one is one I really care deeply about. I had a funny experience yesterday, I had to go to the dentist, and you know how when you are lying there on your back with your mouth open and the dentist talks to you and you cannot answer. Then the dentist went right at my mouth and she said you see this tooth back here she didn't have anything in her mouth. She said if I pulled that tooth it would cost three times as much to put in a bridge, as it would if I had a cavity in it. I asked her if I could quote her on the floor of the Senate, because that is the essence of this bill. If you fill a tooth it takes three times less money, than if you pull it. That is what I am saying today. I started with this bill twelve years ago, and I have put it in every time it was allowed, because I think it is the essence of humanity. It is the essence of feminism. It is the essence of economic reality. So if you talk like this without any teeth you can't get a job. You can't be the person that meets the people. You can't even be in a hotel where you are going to clean the toilets. Because when someone says can I have some more towels, you can't say anything, if you can't talk. That is the essence of the bill. So if you wait till you pull their teeth out, they will never get a job. They will have no mental health because they no have no physical health. And dental care is part of physical health. Every state in New England, except Maine, has this dental coverage. Now, I am not going to let you stop there. I am not going to do anymore of this.

I am going to pass this out and this has the reasoning, on the front, about the money. But I need to say something more and I wish I could say it directly to the governor. The State of New Hampshire has taken from Medicaid \$858 million, and until this year we did not put a cent of it, I don't know if you can quote that or not, into helping poor people. This year to catch up with whatever other New England state has done for eight years, we have expanded Medicaid coverage to 185% of poverty. We have given to kids between the ages of six and eighteen medical care, but we have only spent 3% of that \$858 million to help people. On the back of this is a chart that it took me all day yesterday to get Charlie Connors to agree with me about, but you will see that it does say "LBAO" at the top. What this is, is the amount of money we are going to get from Medicaid, \$102 million for this year, that the governor is appropriating for medical services. All I want you to do is look at dental, 787, adult dental. It would cost about \$3 million a year for three years to try to do this dental experiment, as every other state has done in New England. After the three years the appropriations committee put in a sunset and there would be a study that would prove, what we hope it would prove, which is you are going to save money by helping people's teeth so that they can get a job.

If you look at the other figure at the bottom in the year 2000, I don't know how many of you will be here in that year, but you are going to have \$26

million to spend left over from Medicaid. What I am asking you is to take \$8.8 million of that and try for three years to do the right thing by poor people who are trying to get a job, and trying to take care of themselves, and are costing us money, because we don't use the preventive care that we should. I thank you for listening to me.

SENATOR SHAHEEN: Isn't it true Senator McLane, for every dollar that we spend on this program that it is estimated that the state will save two dollars?

SENATOR MCLANE: It is! I could see it everytime I met with these women.

SENATOR SHAHEEN: And further,

SENATOR MCLANE: It really is true that someone without teeth cannot get a job.

SENATOR SHAHEEN: Isn't it true that the fiscal note on the bill indicated that at the end of three years that the estimated savings to the state would be \$17 million.

SENATOR MCLANE: That is absolutely true and we have had that verified again and again. If you could have seen Appropriations working on this bill, you would know that figure is the truth.

SENATOR LAMIRANDE: I rise in opposition to the governor's veto on this particular bill. I didn't have any intentions of speaking on any of these bills that the governor vetoed, but this particular one I have had a firsthand experience with this one. Cleaning costs are approximately \$35, at least that is what it costs me up in my area. Twice a year, I have my teeth cleaned. If the state paid for the cleaning twice a year for these individuals, they would not be faced with a phenomenal bill, when the teeth got to a point where it cost them anywhere between \$400-500 at one crack. To explain it a little further, it cost approximately \$70 for a filling, depending on the size and the material that was needed to fill the tooth. Well, I think that most of you know that I taught a GED class for three and half years. My students were AFDC recipients, on welfare. One young women had very bad problems with her teeth and it was very noticeable. I had spoken to her about it at one time and I said, "Don't you think that it would be a good idea to get your teeth checked by a dentist," so you can prevent further problems? And she said, "I can't afford it and the state won't pay for it."

Well I had this particular person in my class for two years. She got her GED the second year, I was happy to say. During that second year her teeth got so bad that the state had to finally pay for it. It cost the state approximately \$475 because she had to have oral mouth surgery at that point. The moral of this story is: if you have check ups and it costs the state \$35 twice year, For an amount of \$70 a year and you can catch the problem ahead of time. It is going to save the state money in the long run. It has been proven and especially in this particular case. That is why I am opposed to the governor's veto.

SENATOR LOVEJOY: I rise in support of the governor's veto, on SB 787. As the Governor clearly pointed out in his veto message, he said that this bill creates a welfare service for a single category of citizens who already enjoy basic coverage on their Medicaid. He went on to say that if we did this for each special program that required an appropriation from the health care transition fund our plan would fail. He said everyone would agree that portions of the fund could also be diverted to other research projects. He also listed some of those. The proponents of this bill would have us override and would have us believe that children do not receive dental care. That

is not true. Right now, medicaid provides dental care coverage for children under the age of 18. I've got a lot of faith in Dr. Harry Bird I think that we all share that faith in him and his ability and he said that while this bill is laudable, it can't be a health source reform or a health care reform at this stage. By funding this program we would invade the transition fund that has been established to provide health care reform for the most needy. I think that it is important that we protect those needy programs and make sure that the money is there to fund it, without invading it. We don't want to forfeit long range planning and programs. If we save money that we did not anticipate saving, then I would certainly be in the forefront of those people who would reexamine this bill. Dr. Bird went on to say and I would like to quote him, "that the governor's claim that six years of dental coverage would cost \$24 million dollars." He said that was correct. He said that each year that the dental bill that was paid for out of the health care transition fund, it would require reordering the priorities already established of even larger groups of needy New Hampshire citizens. I think we have to consider that. I believe, very strongly, in the governor's suggestion that perhaps the next budgetary session, the next budgetary cycle, that we experiment in a non statewide model to test the effectiveness and the cost of an action similar to this. And I would join with other senators in even sponsoring or supporting that type of a testing. I believe that the governor's veto is forthright.

I believe that it makes a lot of common sense and I support that and I urge you to sustain this veto.

SENATOR MCLANE: I am sorry I cannot let that one go without a question. First of all, I would like to ask you who has said that children were not covered now? How did you know that children between the age of six and 18 are just covered in the new Medicare for dental care? I find that so distressing, none of us has ever said that children were not covered, because we have proven that children pay off. Where did you hear that?

SENATOR LOVEJOY: Senator, I feel quite honored that I am participating in your last session of your senate career. Your question is that you said, "No, I did not hear you say that." I have heard it said of those supporting the bill to provide coverage for children who are not now covered. My point simply is not to point the finger at you or any other senators, but to dispell that incorrect information. And, in fact, children are covered. They are covered now and they have been covered and they will be covered.

SENATOR MCLANE: I wonder if Senator Lovejoy could ask another question for me of the governor? The figure \$24 million which you use, quoted Dr. Bird as saying has only come from the governor. I wonder if you answer that the fact that the legislative budget assistant and the Appropriations Committee have disspeled that figure and have given us the \$8.8 figure? I guess that is my second question and I have one more.

SENATOR LOVEJOY: I guess, to answer, that I read Dr. Bird's quote which he had said that the governor's claim that six years of dental coverage would cost \$24 million. He said that was correct.

SENATOR MCLANE: I guess now I figure it out as that he was talking about six years and not about the three that is in the bill that is before you.

SENATOR LOVEJOY: That is correct.

SENATOR MCLANE: So that is not a correct figure if we are talking about the bill that is before us which is, after three years the dental coverage stops unless it can be proven cost effective, I guess that is a question?

SENATOR LOVEJOY: It is a three year period.

SENATOR MCLANE: I guess my last question has to do with what you think other people besides the governor. I think I am quite bothered by the fact that the governor after the session is over suddenly has grand new plans for a study whether dental coverage for mothers works. What I am bothered by and I want ask you who does the governor think runs this state and is he the only one who knows about welfare? Does he have any faith at all in the committees of both House and Senate that overwhelmingly passed this bill including this Senate which passed this bill without even a roll call? Because there was no one who objected to it. So I am asking you to answer for me about our governor. Does he think he is the guy that knows about welfare?

SENATOR LOVEJOY: Senator, as you know I think that your question is a point that you wanted to make and the only person that can answer your question is the person that you should be directing question to.

SENATOR MCLANE: I would if I had gone to lunch that day.

SENATOR LOVEJOY: Let me tell you this. I have found in my relationship with this governor that he is honest and he is forthright and he is knowledgeable. He uses department heads to good use. He relies on Dr. Harry Bird for his direction in matters such as this. I have strong faith and trust in the governor of our state.

SENATOR MCLANE: Beautifully answered!

SENATOR SHAHEEN: In using that \$24 million figure, are you then disagreeing with the numbers that are before us from the Legislative Budget Office about the cost of this bill?

SENATOR LOVEJOY: Well, Senator, as I have said twice before, he is quoting Dr. Harry Bird. That is his figure.

SENATOR SHAHEEN: I understand, but I guess I am asking you if you think that the cost of this program is going to be \$24 million or if it is going to be \$8.8 million that you see in front of you from the LBA Office?

SENATOR LOVEJOY: I accept the opinion and the word and the expert knowledge of the commissioner of our department in charge of this sort of thing as being accurate in something that I would rely on.

SENATOR SHAHEEN: Do you understand that there is a sunset clause in the bill that ends this bill at the end of three years?

SENATOR LOVEJOY: Yes, I do Senator.

SENATOR SHAHEEN: So can you show me on this chart how do you get to \$24 dollars, given that sunset clause?

SENATOR LOVEJOY: I can't show you on that chart and I am quoting Dr. Bird for the fourth time.

SENATOR SHAHEEN: I heard you say, "I am quoting Dr. Bird," but I am not asking you about the quote from Dr. Bird. I am asking you, what you, Senator Lovejoy, believe the cost of this bill is going to be given the figures in front of us from the LBA.

SENATOR LOVEJOY: I believe the \$24 million, the figure that I have to rely on while I make this vote in this session on this veto message.

SENATOR SHAHEEN: Again, I think maybe you did not understand my question. Do you . . .

SENATOR LOVEJOY: I understood your question very much. You want me to explain the chart that Senator McLane worked on all day yesterday and I received five minutes ago. I can't do that Senator.

SENATOR SHAHEEN: No, No. This a chart from the Legislative Budget Office.

SENATOR LOVEJOY: I can't do that Senator. I received this, I assume, when you did. That was about five minutes ago.

SENATOR SHAHEEN: I guess the other question I am asking you is whether you understand that there is a sunset clause in this bill ending at the end of three years?

SENATOR LOVEJOY: I certainly do.

SENATOR SHAHEEN: I further question, then, I guess I would question also the statement that you made that the Governor made quoting the bill as creating a single category of citizens who already enjoy the basic coverage under medicaid. Do you agree that the kind of bacteria that causes the disease in the rest of body, is the same kind of bacteria that causes disease in the mouth.

SENATOR LOVEJOY: Well, I guess, Senator,

SENATOR SHAHEEN: At least that is what my dentist tells me.

SENATOR LOVEJOY: I would think that is probably accurate and I have never pondered on that type of question. I guess that probably is an accurate assumption.

SENATOR SHAHEEN: Then wouldn't you agree that it is about time we reconnect the mouth to the rest of the body, in this bill?

SENATOR LOVEJOY: Sometimes I think that is a good idea, yes.

SENATOR HOLLINGWORTH: I think what works sometimes with this body to make them understand is a personal experience. When I was in the House a few years ago, I was in the Minority Office and this very attractive lady came in the office with a reporter, and she was a street person here in Concord. They were doing a story on her and you probably read it. This was a few years ago. She had a young five year old daughter and the whole time she was carrying on this conversation she sat there with her hand like this. When there was a few moments when we had a chance to talk. I said "Certainly you could get a job. You are very articulate, and very bright, and very pretty. I can't imagine why you can't get employment." she took her finger away from her mouth and talked to me without her lip being pressed and she had a gaping hole. I said, "Oh my goodness! What happened?" And, of course, her face, once you could see this big hole she wasn't that quite that pretty. She said, "Well the reason why I am in the shelter is because my husband beat me up and he punched out my teeth. That is why I can't get a job and I have tried." And we did try. We did try in that office that day. We called every dentist we could call. We called the state department Public Health, we said isn't there somebody. Don't you know somebody that can help this woman? I mean she had been going around like this for over two years, I guess. A year anyway. They said, "No we have tried. We have tried to get dentists involved. We have tried. We had to send her away that day without any help with that problem. Ultimately, we did find someone who was willing to come up with the money to get her teeth fixed, to get this women a piece, a plate. There is something wrong with what we are doing today because we, as a body, and I am on Appropriations, I think that I am very fiscally responsible. Here is a piece that right now to extract teeth

the State of New Hampshire is paying 100%. If we pass the legislation, it becomes a shared responsibility between the feds and the State of New Hampshire. We would take the money that we have surplus of in the transition fund and we use that money and in two years it pays us back. We are guaranteed that we will recoup our money, the agency. Don't take my word for it because I know, who am I to say? The agency in its fiscal note on this bill said that it would save-for every dollar spent the State of New Hampshire-would benefit \$2. So we spend a little money for the first year, but we are guaranteed to recover TAPE INAUDIBLE. There are only two states that don't provide this service and this is Medicaid and remember these are the people we are providing. These are the people we got \$858 million for and this is the money we have spent to date, 5% on the poor. Remember here we have a chance again to recoup money back to the general fund while we take it out of the transition fund. That is federal dollars, so instead of it being 50% really federal and 50% state, because we are taking the money from the transition fund to do this, we are really taking all federal dollars and we have and we turn around and not only do we get our money back but we triple our money. Come on guys, you with the tight pockets, let's think with our heads and not with a pledge to veto. I mean this doesn't make sense. New Hampshire is a very rich state. We know that we are 8th in the nation, in per capita, 6th in the nation. Yet at the Medicaid trough we were the first to take the most. The average in the nation 72 dollars, we took 300 and something plus, I think it was 354 or something like that. That per person, that is man, woman and child and yet we are the 6th richest with income. Tell me that this makes sense, I'm willing to recognize you have a responsibility to uphold your governor's veto but not when it comes to taking and saving money for the state and providing services, that we were paid to provide services for. Come on guys let's really make sense with this piece of legislation.

SENATOR BLAISDELL: I rise in opposition of course? The governor was wrong on 753. He was wrong on 758, and he is wrong on 787. Senator Lovejoy and others, Senator Wheeler in this chamber has talked about the middle class and what we are going to put on the middle class of this state. What we have done really is tried to help the middle class of this state. By taking those who are less fortunate and fixing their teeth, giving just a little bit better way of life, just a little. Senator McLane has spoken and I did not laugh at your presentation Susan. Sorry, I did not think it was funny. I have seen the people who have come in my Senate office, who are in pain and have no place to go, no help, I have also seen those same people come before me in Finance. They would say, "Senator would you hire me?" I know you have heard it and they would say, "would you hire me?" "No, I wouldn't hire you because you don't have any teeth." How in God's name can we sit in this chamber with the power that each and every one of you people have in your hand, how can we sit here and let three bills go down the drain, that are cost effective and your Finance Committee and your Appropriations Committee passed overwhelmingly, that will save money in the state of New Hampshire. Wayne King's bill would save you. Legal assistance money would save money in this state and this dental bill will save money. I can't believe, I swear to God, you trusted us in Appropriations and Finance to bring before you these pieces of legislation, cost effective, every one. I dare anyone in this chamber to come to me and tell me we over spent downstairs in the Appropriations. I can show you where we cut the budget. We did it because we had a philosophy to represent. God forbid, God forbid, if anyone in this room, Chuck Douglas, and his families, and I emphasize families, Chuck Douglas and his families don't know what it is like to have a

sore tooth, because he can afford it. We have other kids in this state that can't. Give them a chance. Give them a chance. All the years that I have been in this Senate, I have said that if there is any good that I can do, let me do it now. Let me not defer from it and let it not be neglected. I will only pass this way just once, for God's sake you have got the power, give the people of this state a chance. The ones that are less fortunate than you and I, give them a chance. They need it. The governor is wrong. Harry Bird's figure was wrong. We tried to straighten it out, we have taken the figures from the LBA's office, and they are right! We sunset the bill after three years. Mr. President may I have a parliamentary inquiry, just one. If you want to say good-bye to Susan, do me a favor. Vote with her on this bill.

Question is notwithstanding the Governor's veto, should the bill pass?

A roll call is required.

The following Senators voted Yes: Lamirande, W. King, Currier, Disnard, Blaisdell, Baldizar, Pignatelli, McLane, J. King, Bourque, Shaheen, Hollingworth, Cohen.

The following Senators voted No: MacDonald, Fraser, Lovejoy, Roberge, Wheeler, Colantuono, Podles, Barnes, Russman, Delahunty.

Yeas: 13 - Nays: 10.

The 2/3 vote was not obtained.

The Governor's Veto has been sustained.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill sent down from the Senate:

SB 810, legalizing the Hanover school district special meeting held June 8 and 9, 1994.

HOUSE MESSAGE

The House has voted to sustain the Governor's veto on the following Bill:

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

HOUSE MESSAGE

The House has voted to sustain the Governor's veto on the following Bill:

HB 652, relative to state fee reform.

Recess.

Out of recess.

HOUSE MESSAGE

The House has voted to sustain the Governor's veto on the following Bill:

HB 1319, requiring the state to fully fund the Augenblick formula by FY 1996.

HOUSE MESSAGE

The House has voted to sustain the Governor's veto on the following Bill:

HB 1237, relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime.

HOUSE MESSAGE

The House has voted to sustain the Governor's veto on the following Bill:
HB 1225, relative to access to medical care.

HOUSE MESSAGE

The House has voted to sustain the Governor's veto on the following Bill:
HB 1394, reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle.

HOUSE MESSAGE

The House has voted to sustain the Governor's veto on the following Bill:
HB 1456, relative to mental health care service providers.

HOUSE MESSAGE

The House has voted to sustain the Governor's veto on the following Bill:
HB 1325, requiring the publication of an AIDS/HIV handbook.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled Senate Bill:

SB 810, legalizing the Hanover School District Special Meeting held on June 8 and 9, 1994.

Senator Currier moved adoption.

Adopted.

SENATOR SHAHEEN: (Rule 44) I know that it is late and everyone is tired and we have all sat here for a long time today. I think that it is important to talk about what I believe is the most important bill that was considered today and it never made it to us in the Senate. That was HB 1319, which would have fully funded Augenblick money. I know that there are a lot of people who had said that this was an additional \$60 million that we cannot afford in the budget. But I think that the fact is that we have not really looked at all the options for that. What we have done is that we have fallen into looking at this debate as those people who support broad base taxes versus those people who are opposed to broad base taxes. I think that it is time that we stop looking at it in that framework, and we sat down together, Republicans and Democrats, that we roll up our sleeves, the Legislature and the governor and try and figure out how we are going to address the cost of education, because I think that is the most critical issue that is facing the state today. I intend to go back to my district and make a pledge to work with anyone who is willing to work on this issue, taxers, anti-taxers, no taxers, whoever, and come up with a solution that is not going to change the existing tax structure, but is going to find a way to address this issue. I would urge all of you, as you go back to your campaigns, to be willing to make that same commitment.

SENATOR DISNARD: (Rule 44) As my last act today the Majority leader agreed that the Minority leader was a better cribbage player and I hope the record shows that.

SENATOR W. KING: (Rule 44) I suppose the last time we met when everybody was present would be a better time to say goodbye to all of you. I wanted to just say that serving in the Senate has been the most extraordinary experience in my life. I will never forget any of you, because you have made my life much richer. I thank you for that.

SENATOR BOURQUE: (Rule 44) I would also like to say thank you for allowing me to share the Senate for two years with you and I will miss all of you. I have enjoyed serving and I have been a State Representative, and Alderman for eight years, so I have been in government for ten. It has been a long and enjoyable ten years. That is why I decided it was time to move on and good luck to all of you in your races this year.

SENATOR J. KING: (Rule 44) I would also like to tell you how I enjoyed my last two years, I also would like to say right here that I would also like to commend the President for doing an excellent job, fair, honest and worked hard to get the job done.

SENATOR CURRIER: (Rule 44) On behalf of the senate I had David do a resolution on behalf of Peter DeVere. Most of you have worked with Peter on various issues on drunk driving and some of you may not know it but Peter has cancer. He is doing very well. Matter of fact, a couple of us saw him unexpectedly at the Belmont Race Track one night when we were there. I had David Harrington put together kind of a get well resolution that I am going to send to him on behalf of the Senate. I just wanted to bring that to everyone's attention. Your standard resolution and so forth because anyone going through that part needs any kind of encouragement that they can get and I thought that would be nice on behalf of the Senate.

SENATOR ROBERGE: (Rule 44) I want to thank everybody on the behalf of myself and my family for all the outpouring of affection and support, the cards, the letters, the phone calls, Senator Jack came to the service, Beverly for her flowers and all of you for everything. I have a tremendous basket of flowers from the Senate as a whole and I want to thank for them as well.

ANNOUNCEMENTS

RESOLUTIONS

Senator Barnes moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn Sine Die.

LATE SESSION

Senator Disnard moved that the business of the day being completed, the Senate now adjourn Sine Die.

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Rifles and shotguns, commemorative, lottery repealed HB 1430**Riots and mobs, town's liability for damage repealed SB 530****Risk retention groups not chartered in NH must meet NH definition SB 526****Rivers**

- added to shoreland protection act SB 225
- hazardous waste spills, town to notify environmental services and
 - downstream towns HB 1496

Road rules**DWI**

- administrative revocation of license; penalties increased for subsequent
 - offenses SB 509
- arrest by police at medical facility outside jurisdiction after traffic
 - accident HB 1247
- implied consent, alcohol concentration tests, notification to court
 - after arrest if presence of person who administered test is required SB 715
- implied consent, law enforcement officer's report, sworn eliminated SB 601
- license suspended or revoked, administrative review or hearing,
 - documentation required; effective date HB 1569
- three previous convictions, lifetime license revocation SB 608
- reckless driving in highway construction zone, penalty increased; signs
 - posted HB 1214
- right turn on red not allowed when pedestrian walk signal is displayed HB 1173

Roberge, Sen. Sheila, expression of thanks for support 1115**Rockingham county**

- assistant medical examiners, statute repealed SB 750
- commissioners, rulemaking authority over elected officials; competitive
 - bidding, services included, applicable to all county offices HB 1454am
- fiscal officer HB 1556
- pilot program eliminating trial de novo in misdemeanor cases
 - appropriation lapse date extended SB 598am
 - option to elect jury trial, time extended HB 1124

Rockingham Park, pari-mutuel pools, breakage for 1995-1997; lump sum

- payment to affect tax rate HB 576am

Roll calls

- SB 529, limiting liability of trappers for certain accidents involving domestic
 - animals. Question, adopt committee amendment. Yeas, 15; Nays, 7 400
- SB 556-LOCAL, permitting property tax abatements for persons who reside
 - in a municipality which has no public high school. Question,
 - remove from table. Yeas, 13; Nays, 10 412-413
 - Question, substitute ought to pass for inexpedient to legislate.
 - Yeas, 7; Nays, 16 420

Roll calls (cont.)

SB 557, providing that out-of-state same-gender marriages shall not be recognized as valid in New Hampshire. Question, lay on table.	
Yeas, 12; Nays, 11	91
Question, remove from table. Yeas, 14; Nays, 9	408
Question, substitute ought to pass for inexpedient to legislate.	
Yeas, 11; Nays, 12	412
SB 562, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license.	
Question, adopt committee amendment. Yeas, 11; Nays, 12	236
Question, order to third reading. Yeas, 14; Nays, 9	236
SB 577-FN-LOCAL, relative to licenses to carry loaded pistols and revolvers.	
Question, adopt committee report of inexpedient to legislate.	
Yeas, 22; Nays, 1	240
SB 616, relative to term limitations for members of Congress from New Hampshire. Question, adopt floor amendment. Yeas, 17; Nays, 6	147
Question, order to third reading. Yeas, 19; Nays, 4	148
SB 623, relative to the protection of freedom of speech on college campuses.	
Question, lay on table. Yeas, 12; Nays, 11	180
Question, remove from table. Yeas, 11; Nays, 11	420
SB 665-LOCAL, prohibiting the use of per capita income or personal income as a basis for determining costs of capital outlay and operation in cooperative school districts. Question, substitute ought to pass for inexpedient to legislate. Yeas, 7; Nays, 16	263
SB 681, relative to fingerprinting and criminal record checks for newly hired school district employees. Question, adopt floor amendment.	
Yeas, 8; Nays, 14	403
Question, order to third reading. Yeas, 10; Nays, 12	403-404
SB 712, prohibiting the healthy kids corporation insurance plan from funding abortions. Question, lay on table. Yeas, 15; Nays, 8	230
SB 728-FN-A-L, providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor. Question, order to third reading. Yeas, 21; Nays, 2	471
SB 753-FN-A-LOCAL, relative to promoting economic self-sufficiency for families receiving AFDC. Question, order to third reading.	
Yeas, 15; Nays, 8	472-473
Question, pass over governor's veto. Yeas, 12; Nays, 11	1100
SB 758-FN, relative to a civil filing fee surcharge for civil legal assistance to low-income persons. Question, order to third reading.	
Yeas, 14; Nays, 9	281
Question, pass over governor's veto. Yeas, 13; Nays, 10	1105
SB 769-FN, dividing any budget surplus between the revenue stabilization reserve account and state aid to education. Question, adopt committee report of ought to pass. Yeas, 19; Nays, 4	271-272
Question, order to third reading. Yeas, 14; Nays, 9	438-439
SB 783-LOCAL, requiring bond issues to be placed on the official ballot.	
Question, adopt committee amendment. Yeas, 9; Nays, 12	367-368
SB 787-FN-A, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor. Question, pass over governor's veto. Yeas, 13; Nays, 10	1113
SB 789-FN-A-LOCAL, establishing a health care authority and making an appropriation therefor and imposing a surtax on health care insurers. Question, adopt committee amendment. Yeas, 14; Nays, 8	397
Question, order to third reading. Yeas, 13; Nays, 10	476
SB 794-A, making a capital appropriation for highway transportation infrastructure. Question, order to third reading. Yeas, 15; Nays, 8	466
SB 799, eliminating straight ticket voting on the ballot. Question, adopt split report of ought to pass. Yeas, 12; Nays, 10	373-374
SB 800-FN, relative to the child protection act. Question, order to third reading. Yeas, 20; Nays, 3	246-247
HB 190-FN, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the two departments. Question, adopt committee amendment. Yeas, 21; Nays, 2	723-724
HB 382, changing the annual rate of interest on judgments and business transactions. Question, adopt committee amendment.	
Yeas, 6; Nays, 17	163

Roll calls (cont.)

- HB 449, relative to listing candidates on general election ballots.
 Question, substitute recommit to committee for ought to pass.
 Yeas, 11; Nays, 12 505
 Question, order to third reading. Yeas, 12; Nays, 11 505
- HB 451-FN, requiring doctors of naturopathic medicine to be licensed by the
 naturopathic board of examiners and regulating naturopathic health
 care practice. Question, order to third reading. Yeas, 20; Nays, 3 556
- HB 458-FN-LOCAL, requiring a waiting period for applicants for public
 assistance who terminate their employment voluntarily without
 a good cause. Question, adopt committee amendment.
 Yeas, 13; Nays, 10 768-769
- HB 531, prohibiting persons from running as candidates on more than one
 party ticket in state primary and general elections. Question,
 substitute ought to pass for inexpedient to legislate. Yeas, 13; Nays, 10 595
- HB 634, establishing a committee to study the feasibility of providing a
 data processing center to produce up-to-date checklists. Question,
 adopt floor amendment. Yeas, 14; Nays, 9 914
- HB 1144-FN, permitting the executive director of fish and game to issue a
 special deer license to allow the taking of one additional deer and
 relative to the license fee. Question, adopt committee amendment.
 Yeas, 6; Nays, 17 777
- HB 1225, relative to access to medical care. Question, adopt committee report
 of ought to pass. Yeas, 13; Nays, 10 703
- HB 1242, establishing a study committee to encourage the adoption of the
 metric system by state agencies, educational institutions, and private
 industry in New Hampshire. Question, adopt committee report of
 ought to pass. Yeas, 18; Nays, 5 704
- HB 1319-FN-A-LOCAL, requiring the state to fully fund the Augenblick formula
 by FY 1996. Question, adopt floor amendment. Yeas, 11; Nays, 13 644
 Question, order to third reading. Yeas, 14; Nays, 10 644
- HB 1325-FN, requiring the publication of an AIDS/HIV handbook. Question,
 adopt committee report of ought to pass. Yeas, 12; Nays, 11 706
- HB 1394, reducing the mandatory minimum sentence for habitual offender
 convicted of unlawfully operating a motor vehicle. Question, order
 to third reading. Yeas, 15; Nays, 8 550
- HB 1432, amending the law against discrimination to prohibit discrimination
 on the basis of sexual orientation. Question, adopt majority
 amendment. Yeas, 10; Nays, 13 607-608
 Question, adopt floor amendment. Yeas, 10; Nays, 13 609
 Question, lay on table. Yeas, 11; Nays, 12 610
 Question, lay on table. Yeas, 11; Nays, 12 612
 Question, order to third reading. Yeas, 10; Nays, 13 612
 Question, adopt minority report of inexpedient to legislate.
 Yeas, 13; Nays, 10 612
- HB 1483, implementing recommendations of the Centers for Disease
 Control and Prevention relative to the laws requiring a prescription
 to possess hypodermic needles and modifying the drug paraphernalia
 laws applying to syringes. Question, adopt committee report of
 inexpedient to legislate. Yeas, 14; Nays, 9 711
- HB 1506-FN-LOCAL, relative to the National Voter Registration Act of 1993
 and establishing a committee to study voter registration by mail.
 Question, lay on table. Yeas, 12; Nays, 11 500-501
- HB 1528-FN-LOCAL, establishing a safe school zone and relative to school
 violence. Question, adopt minority amendment. Yeas, 16; Nays, 7 896
 Question, order to third reading. Yeas, 23; Nays, 0 901
- HB 1532-FN-LOCAL, requiring the division of public health services to
 establish a needle exchange program and making an appropriation
 therefor. Question, adopt committee report of inexpedient to
 legislate. Yeas, 13; Nays, 9 712
- CACR 37, relating to the governor's veto power. Providing that the governor
 shall have line item reduction and line item veto power of items in
 any bill making appropriations of money. Question, substitute ought
 to pass for inexpedient to legislate. Yeas, 11; Nays, 12 172
- CACR 38, relating to term limits for certain federal and state offices. Providing
 that the terms of office for the members of the United State Congress
 from New Hampshire shall be limited to 12 years, and for the
 members of the New Hampshire House and Senate shall be limited
 to 10 years. Question, adopt as amended. Yeas, 22; Nays, 1 144

Rooms and meals tax. See: Meals and rooms tax

Rules

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1992-1993 session, as amended, adopted as rules of 1994 session 1-8
amended, deadline date for bills in Finance executive committee SR 1

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proposed, preliminary objections; joint resolution, action by general court HB 686
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library HB 1448

Rye, US route 1 intersections with Washington Road and Lang Road, traffic
signals required SB 725

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Safety

commissioner

collection of protested checks relating to drivers' licenses, administrative
procedures, rulemaking HB 1101

department

criminal history record check and protective order check by single
premium telephone call before handgun sales HB 438
documentation required for commercial boats HB 1535
domestic violence protective orders transmitted to; information disbursed;
good faith immunity SB 673
driver training program, appropriation increased; transfer of funds
from vanity plate fund authorized HB 1551am
fire service, 2 divisions, fire safety, and fire standards and training;
positions abolished and changed SB 685am
life saver identification label program, lapse date extended HB 1294am
motor vehicle lemon law, limitation of actions; resale of vehicle found
to be defective prohibited HB 1420
motor vehicle lemon law, new motor vehicle redefined; member added
to arbitration board; times changed; limitation of actions HB 1117
motor vehicle lemon law, separate board for recreational vehicles,
study HB 1154am
motor vehicle records, confidentiality HB 628
nondriver identification cards for ages 16 and over SB 707
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services

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real property
disclosure of history of property not required HB 389
one to 4 family dwelling, disclosure regarding water supply, sewage
disposal system, and insulation HB 388am
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restriction on sales of steel strapping with certain lead levels SB 762

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Virginia white-tailed deer, imported or propagated in state SB 675

Salt use on highways, pilot program in Nashua testing alternate

deicing methods SB 637am

Sand dune alteration, permit from wetlands board required; exceptions SB 533

Savings banks, investment committee alternatives HB 1339

Scenic roads, percentage of road toll used for maintenance SB 795

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School districts

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 building aid, kindergarten incentive program HB 1458
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 cooperative
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 or regional, capital facilities, impact fees imposed HB 1469
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 1/2 of operating budget surplus credited to SB 769
 Augenblick formula fully funded by 1996 HB 1319
 general fund balance sheet published; funds may be appropriated to
 reduce deficit; time for report of appropriations to revenue
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 secret ballot was taken HB 1222
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 provide information regarding responsibilities to local school
 boards HB 599am

Scrap metal, trucks hauling, cover required HB 1283

Sea urchins, helpers not allowed for taking by diving; reciprocity required
 for nonresident licensees HB 1439

Seabrook boundary line with Hampton altered, referendum HB 1588

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Secure care bureau, youth development center, name changed to

residential services bureau	HB 1543
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Sewer systems, municipal, capital reserve and sewer funds from rentals,

custody and spending authority	HB 1211am
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Sexual assault

and sexual harassment at postsecondary institutions, study, membership increased and date extended	SB 780
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HIV testing of persons convicted; notification of victim and victim/witness office	HB 1190
pattern, penalty	HB 1106

Sexual conduct redefined in obscenity statute HB 1392am**Sexual harassment**

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Sexual orientation, discrimination prohibited HB 1432**Shellfish** management strategies developed by advisory committee on shore

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- Shoreland protection**, rivers added; definitions and references amended;
effective date SB 225
- Sire stakes program**, statutes repealed HB 1121
- Skiing accident laws**, study SB 521
- Skyhaven airport**, additional hangar facilities, appropriation, bonds SB 792am
- SLAPP suits**, prevention, procedure SB 661
- Small claims**
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nonattorneys, written authorization clarified HB 1349
- Small employers**
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- Small loans**, consumer credit administration; surrender of license HB 1142
- Smelt**, freshwater, season for taking established; restriction on taking and
rulemaking power repealed SB 646
- Smoking**
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- Snares**, use by trappers, study SB 567
- Social clubs**, supplemental liquor license for 9 events, fee SB 594
- Social workers**, certified clinical, services covered by insurance HB 1458
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- Soltz**, Rabbi Ned, guest chaplain 972, 1016-1017
- South Africa**, swearing-in of President Mandela, remarks by
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- Spaulding turnpike**. See: Eastern NH turnpike.
- Special education**
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- Speech**
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Sprinkler systems
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state fire code, additional waivers; fire detection systems required SB 544am

Squam Lakes watershed plan, water use activity zone recommendation and
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Stalking
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victim, interception of communications with one party’s consent SB 663

Standardbred breeders and owners development agency, statutes repealed HB 1121

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workers’ and unemployment compensation costs HB 1179
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State employees
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retirement, conditions HB 1262am
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State fire code, sprinkler systems, additional waivers; fire detection
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State fish
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State government operations, task force recommendations, committee to
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- dome, appropriation purpose amended; refurbishing senate chamber and smoking area in LOB added SB 806
- health service room, nurse absent, coverage provided by public health services HB 1582

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- depository law, publication redefined; data bases included; publications adopted by reference must be deposited with state library HB 1448
- powers and duties over law library transferred to supreme court; legislative indexing transferred to state librarian HB 1516
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State obligations, delinquent, interest charge by town or county SB 735**State officials**

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- corrections commissioner and warden, salaries increased SB 638
- salaries, executive director, pharmacy board SB 545
- surety bonds, board of approval repealed HB 1585

State parks, Camp Alton and Patenaude properties, acquisition, study SB 547am**State prison warden, salary increased; warehouse fire, replacement of equipment and inventory, supplemental appropriation SB 638am****Statute of limitations. See: Limitation of actions****Statutory construction, time computation, days included and excluded HB 1238****Steel strapping, exemption from toxic reduction law for lead used in steel strapping; restriction on sales SB 762****Stores, going out of business sales regulated HB 1391****Strategic lawsuits against public participation, prevention, procedure SB 661****Stratham, route 51 redesignated as route 101; appropriation SB 644****Stratham Heights Road reclassified SB 686****Striped bass, state saltwater game fish HB 1438****Studies**

- aeronautics law recodification SB 721
- aquaculture responsibility allocated between agriculture and fish and game departments HB 1327
- banks, sale or assignment of mortgages or notes, prior notification to mortgagor SB 551
- Bear Brook State Park, Family Camping Museum relocated; DRED maintenance facility removed SB 659
- Camp Alton and Patenaude properties, acquisition as state parks SB 547am
- charter schools HB 599am
- child abuse
 - and neglect central registry SB 785
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- Clean Air Act amendments and implementation HB 1189
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The abbreviations listed below are used in the Numerical Index.

adop	adopted
am	amended, amendment
conc	concurred
conf	conference committee
Econ Dev	referred to Economic Development committee
enr	enrolled
Finance	referred to Finance committee
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intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on the table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
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req	request, requested
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- SB 230-FN**, relative to sprinkler systems in residential care homes and supported residential care facilities.
H K 158
- SB 234-FN-A**, relative to the return of revenue to cities and towns.
H K 158
- SB 235-FN**, relative to involuntary emergency admissions.
H K 158
- SB 236-FN-A**, allowing a tax credit against the business profits tax for certain businesses.
H K 158
- SB 238-FN**, permitting the transportation of manufactured housing which is up to 16 feet wide.
K 52

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- SB 500-FN-A**, exempting certain credit unions from the business enterprise tax. (Fraser, Dist 4: Ways and Means)
8, Study 211
- SB 501-FN-A**, relative to the business transition credit with respect to the business enterprise tax. (McLane, Dist 15 et al: Ways and Means)
8, psd 211, 215, H conc 928, enr 969 (Chapter 232)
- SB 502-FN**, requiring that a part-time state employee be paid for sick leave accumulated after the equivalent of 6 months of employment. (McLane, Dist 15: Executive Departments and Administration)
8, LT 272, K 422
- SB 503-FN**, relative to the practice of electrology and the collection of certain fees. (Hollingworth, Dist 23 et al: Executive Departments and Administration)
8, psd 136, 159, H conc 514, enr am 915, enr 968 (Chapter 202)
- SB 504-FN-A**, relative to funding for state literacy programs and making an appropriation therefor. (Disnard, Dist 8; Rep. Skinner, Rock 27: Education)
8, Finance 63, am 466-469, psd 477, H Study 569

- SB 505**, establishing a study committee to review the statutory provisions relative to compulsory school attendance and the assignment of pupils. (Lovejoy, Dist 6 et al: Education)
New title: establishing a study committee to review the statutory provisions relative to compulsory school attendance.
 8, am 256, psd 298, H Study 570
- SB 506**, allowing matters of state or national concern to be placed on the official ballot used for the election of town officers. (W. King, Dist 2 et al: Executive Departments and Administration)
 8, psd 302, 423, H nonconc 570
- SB 507-FN-LOCAL**, increasing fees for bail commissioners. (Wheeler, Dist 11; Rep. Hunter, Hil 7: Judiciary)
 9, psd 47-48, 59, H nonconc 515
- SB 508-LOCAL**, enabling New Hampshire cities and towns to join together to form multi-municipality industrial development authorities and exercise all of the powers and rights currently exercised only by cities. (Fraser, Dist 4; et al: Economic Development)
 9, am 338-339, psd 423, conc H am 935, enr am 1030, enr 1068 (Chapter 331)
- SB 509**, increasing the penalties for DWI convictions. (Podles, Dist 16; Rep. G. Katsakiores, Rock 13: Judiciary)
 9, K 231
- SB 510**, eliminating the requirement that every independently operated booth have a separate sink in barbershops or cosmetology shops. (Cohen, Dist 24: Public Institutions, Health and Human Services)
 9, psd 180, 215, conc H am 659, enr 868 (Chapter 160)
- SB 511**, permitting the executive director of the department of fish and game to impose administrative fines. (Lamirande, Dist 1: Wildlife and Recreation)
 9, psd 296, 298, H conc 569, enr 653 (Chapter 62)
- SB 512-FN**, authorizing a New Hampshire Pearl Harbor survivor special number plate. (Baldizar, Dist 12 et al: Transportation)
 9, psd 53, 59, H Study 570
- SB 513**, requiring the sweepstakes commission to use instant lottery tickets made from recycled materials. (Russman, Dist 19 et al: Environment)
 9, psd 42, 59, H nonconc 570
- SB 514**, prohibiting health care providers from making referrals to any entity in which they have an ownership interest or for which remuneration or compensation may be received. (Hollingworth, Dist 23 et al: Public Institutions, Health and Human Services)
 9, Study 181
- SB 515**, making separation of alternate jurors from other jurors during jury deliberations discretionary. (Pignatelli, Dist 13; Rep. Lozeau, Hil 30: Judiciary)
New title: relative to requirements for alternate jurors.
 9, am 89-90, psd 125, H conc 514, enr 511 (Chapter 23)
- SB 516**, making it a violation to fail to summon assistance when requested by a law enforcement officer who requires aid in a criminal case. (Hollingworth, Dist 23 et al: Judiciary)
New title: making it a violation to fail to render aid when requested by a law enforcement officer who requires aid in a criminal case or an emergency situation.
 9, psd 277, 298, conc H am 877, enr 1021 (Chapter 286)
- SB 517**, making it a crime to obstruct the reporting of a crime or a bodily injury. (Hollingworth, Dist 23 et al: Judiciary)
 9, psd 178, 215, conc H am 874, enr 1021 (Chapter 304)
- SB 518**, requiring health care providers to clearly state the benefits and services provided to enrollees and subscribers. (Blaisdell, Dist 10 et al: Insurance)
First new title: relative to life and health insurance policy language simplification.
Second new title: requiring health care providers to clearly state the benefits and services provided to enrollees and subscribers and relative to policy language simplification.
 9, am 318-321, psd 423, nonconc H am, conf 804, 960-961, rep adop 1019, 1026-1027, enr 1065 (Chapter 359)
- SB 519**, requiring all health maintenance organizations offering insurance to clearly state any restrictions on an insured's choice of physician. (Blaisdell, Dist 10 et al: Insurance)
 10, K 172

- SB 520-LOCAL**, relative to the adoption of an optional fiscal year and quarterly billing and collection of taxes by the city of Concord. (McLane, Dist 15; Rep. Dunn, Mer 24: Executive Departments and Administration)
10, am 302-304, psd 423, H conc 737, enr 967 (Chapter 203)
- SB 521**, making it a violation to leave the scene of a skiing collision or accident without providing certain information. (McLane, Dist 15; et al: Judiciary)
New title: establishing a committee to study skiing accident laws.
10, am 90, psd 125, H nonconc 515
- SB 522-FN**, requiring elected police officers to meet certain criminal history and background requirements. (MacDonald, Dist 3: Executive Departments and Administration)
10, am 304-305, psd 423, H nonconc 656
- SB 523**, relative to the confidentiality of proceedings of hospital and medical review committees. (Hollingworth, Dist 23 et al: Public Institutions, Health and Human Services)
First new title: establishing a committee to study patient access to information about health care providers and the quality assurance process.
Second new title: establishing a committee to study patient access to information about health care providers and the quality assurance process and allowing nonprofit agencies serving disabled persons to apply for walking disability placards.
10, LT 281, am 407-408, psd 423, nonconc H am, conf 737, rep adop 1019, 1027-1028, enr am 1068, enr 1090 (Chapter 399)
- SB 524**, relative to the rulemaking authority of the pesticide control board and the labeling of pesticides. (Delahunty, Dist 22: Environment)
10, psd 43, 59, H conc 514, enr 513 (Chapter 24)
- SB 525**, relative to medicare supplemental insurance. (Fraser, Dist 4: Insurance)
10, psd 43, 59, H conc 656, enr 969 (Chapter 233)
- SB 526**, relative to risk retention groups not chartered in New Hampshire. (Fraser, Dist 4: Insurance)
10, psd 43-44, 59, H conc 656, enr 714 (Chapter 120)
- SB 527**, relative to terms of legislative members of the state board of claims. (Fraser, Dist 4: Executive Departments and Administration)
First new title: relative to terms of legislative members of the state board of claims and relative to the jurisdiction of the board of tax and land appeals.
Second new title: relative to terms of legislative members of the state board of claims.
10, am 272-273, psd 298, conc H am 650, enr 784 (Chapter 161)
- SB 528**, relative to central business service districts. (Fraser, Dist 4: Executive Departments and Administration)
10, psd 136, 159, H conc 569, enr 617 (Chapter 85)
- SB 529**, limiting liability of trappers for certain accidents involving domestic animals. (Lovejoy, Dist 6; Wheeler, Dist 11: Wildlife and Recreation)
10, am (RC) 397-400, psd 423, H rej intro 516
- SB 530-LOCAL**, relative to town liability for riot damage. (Hollingworth, Dist 23 et al: Public Affairs)
10, psd 98, 125, H conc 514, enr 513 (Chapter 25)
- SB 531**, relative to lead testing for potential child tenants. (Lovejoy, Dist 6 et al: Public Institutions, Health and Human Services)
10, K 181
- SB 532**, relative to jewelers' liens. (Barnes, Dist 17: Banks)
10, psd 163, 215, conc H am 660, enr 783 (Chapter 162)
- SB 533**, prohibiting any person from altering or removing any sand or vegetation from any sand dune without a permit from the wetlands board. (Hollingworth, Dist 23 et al: Environment)
10, am 131, psd 159, H conc 514, enr 512 (Chapter 26)
- SB 534**, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. (Pignatelli, Dist 13 et al: Judiciary)
New title: relative to condominium common assessments.
11, com changed 36, am 338, psd 423, conc H am 648, enr 783 (Chapter 163)
- SB 535-FN**, relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans. (Podles, Dist 16 et al: Education)
New title: relative to the issuance of tax-exempt bonds for the purpose of financing the acquisition and origination of educational loans and providing for indemnification of board members, officers, and employees of the higher education and health facilities authority.
11, am 257-258, psd 298, H conc 568, enr 618 (Chapter 86)

- SB 536**, relative to appropriations for the expansion of the port of Portsmouth. (Shaheen, Dist 21 et al: Economic Development)
11, psd 39, 59, H conc 514, enr am 916, enr 968 (Chapter 204)
- SB 537**, relative to bonds issued by certain chartered towns. (Shaheen, Dist 21 et al: Public Affairs)
11, psd 98, 125, H conc 569, enr 618 (Chapter 87)
- SB 538**, establishing a state freshwater fish. (Baldizar, Dist 12 et al: Wildlife and Recreation)
11, am 54-57, psd 59, H conc 738, enr am 1030, enr 1067 (Chapter 332)
- SB 539**, relative to “willing providers” and health insurance plans. (Disnard, Dist 8: Insurance)
New title: establishing a committee to study the issue of exclusivity contracts between health care insurers and health care providers.
11, LT 44, rcmt 297, am 355-359, psd 423, H conc 656, enr 783 (Chapter 164)
- SB 540**, limiting rights of reversion relative to real property. (Russman, Dist 19: Economic Development)
11, am 252-253, psd 298, H nonconc 515
- SB 541-FN-LOCAL**, allowing the commissioner of health and human services to settle small claims against the department. (Fraser, Dist 4: Public Institutions, Health and Human Services)
First new title: allowing the commissioners of the departments of health and human services, corrections, resources and economic development, and safety to settle small claims against their departments.
Second new title: allowing the commissioner of the department of health and human services to settle small claims against the department.
11, am 150-152, psd 159, conc H am 791-792, enr 1021 (Chapter 287)
- SB 542**, increasing the penalty for certain automobile offenses. (Pignatelli, Dist 13 et al: Transportation)
11, psd 53, 59, H nonconc 732
- SB 543-FN-A-LOCAL**, requiring that the department of revenue administration conduct an annual ratio study relative to real estate assessments and sales and making an appropriation therefor. (Podles, Dist 16 et al: Executive Departments and Administration)
11, psd 74, 125, H nonconc 656
- SB 544-FN-LOCAL**, relative to the requirements for sprinkler systems. (MacDonald, Dist 3; Barnes, Dist 17: Executive Departments and Administration)
11, am 273-274, psd 298, conc H am 516, enr 571 (Chapter 46)
- SB 545-FN**, relative to the salary of the executive director of the pharmacy board. (Colantuono, Dist 14 et al: Public Institutions, Health and Human Services)
11, Finance 181, am 430, psd 477, H nonconc 570
- SB 546-FN**, relative to attorneys’ fees on lump sum payments under workers’ compensation. (Fraser, Dist 4: Insurance)
11, K 96
- SB 547-FN-A**, authorizing the state to acquire recreational property on Lake Winnepesaukee and making an appropriation therefor. (Fraser, Dist 4 et al: Wildlife and Recreation)
First new title: authorizing the state to acquire recreational property on Lake Winnepesaukee and Patenaude’s Pond in Boscawen and making an appropriation therefor.
Second new title: encouraging the state to acquire recreational property on Lake Winnepesaukee and Patenaude’s Pond in Boscawen and establishing a committee to study the acquisition of both properties and making an appropriation therefor.
11, am & Finance 108-109, psd 444, 477, conc H am 879, enr 968 (Chapter 205)
- SB 548-FN**, relative to repayment of fees and expenses incurred by the state on behalf of indigent defendants. (Hollingworth, Dist 23 et al: Judiciary)
12, psd 90, 125, conc H am 873-874, enr 1022 (Chapter 288)
- SB 549**, relative to loans made by a bank to its officers, directors, trustees, or principal shareholders. (Fraser, Dist 4; Lamirande, Dist 1: Banks)
New title: relative to loans made by a bank to its executive officers, directors, or trustees.
12, am 61-62, psd 125, H conc 738, enr 868 (Chapter 165)
- SB 550-FN**, relative to fees for filing documents with the insurance department. (Fraser, Dist 4: Insurance)
12, psd 44, 59, H Study 515
- SB 551**, requiring a lending institution to notify the mortgagor or obligor prior to selling a mortgage or note on a consumer loan. (Lamirande, Dist 1: Banks)
12, Study 250

- SB 552**, providing for ownership rights in dies and molds under certain conditions. (MacDonald, Dist 3; Rep. J. Bradley, Car 8: Executive Departments and Administration)
New title: providing for ownership rights to dies, molds, forms, and patterns under certain conditions.
12, am 74-76, psd 125, conc H am 791, enr 971 (Chapter 256)
- SB 553**, repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake. (MacDonald, Dist 3 et al: Public Affairs)
New title: repealing the law that changed Upper Beach Pond in the town of Wolfeboro to Alpine Lake and permitting a dam to be constructed on Province Lake in the town of Effingham.
12, am 98-99, psd 125, H conc 514, enr 511 (Chapter 27)
- SB 554**, relative to insurance information and privacy protection. (Fraser, Dist 4: Insurance)
12, psd 172, 215, H nonconc 656
- SB 555**, relative to health insurance which covers family members and making technical corrections to the insurance laws. (Fraser, Dist 4: Insurance)
12, psd 172-173, 215, H conc 657, enr 784 (Chapter 166)
- SB 556-LOCAL**, permitting property tax abatements for persons who reside in a municipality which has no public high school. (Colantuono, Dist 14 et al: Ways and Means)
12, LT 292-293, K (2 RC's) 412-420
- SB 557**, providing that out-of-state same-gender marriages shall not be recognized as valid in New Hampshire. (Wheeler, Dist 11; Rep. Cogswell, Car 5: Judiciary)
12, LT (RC) 91, K (2 RC's) 408-412
- SB 558**, relative to imposing late payment fees on retail credit customers. (Fraser, Dist 4: Public Affairs)
12, com changed 36, am 164, psd 215, conc H am 789-790, enr 967 (Chapter 206)
- SB 559**, relative to international adoptions. (Podles, Dist 16: Public Institutions, Health and Human Services)
12, com changed 36, psd 231-232, 249, conc H am 515, enr 618 (Chapter 63)
- SB 560**, requiring participating districts in AREA school systems to negotiate withdrawal plans. (Disnard, Dist 8 et al: Education)
12, am 258, psd 298, H nonconc 570
- SB 561**, preventing certain retirement accounts from being pledged or accepted as pledges to secure obligations or indebtedness in financial institutions. (Hollingworth, Dist 23 et al: Insurance)
First new title: prohibiting the right of setoff against an individual retirement account or a simplified employee pension.
Second new title: limiting the right of seizure, setoff, or attachment against an individual retirement account or a simplified employee pension.
12, am 44-45, psd 59, conc H am 515, enr 571 (Chapter 47)
- SB 562**, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. (Lovejoy, Dist 6 et al: Judiciary)
13, psd (2 RC's) 232-236, 249, H conc 657, enr am 945-946, enr 971 (Chapter 257)
- SB 563**, exempting motorcycles manufactured prior to January 1, 1973, from the requirement that they be equipped with directional signals. (Currier, Dist 7; Rep. S. Packard, Rock 29: Transportation)
13, psd 53, 59, H conc 569, enr 618 (Chapter 88)
- SB 564**, relative to authentication of municipal and county bonds. (Fraser, Dist 4: Banks)
13, am 62, psd 125, H conc 657, enr 784 (Chapter 167)
- SB 565-FN**, relative to state contracts. (Fraser, Dist 4; Shaheen, Dist 21: Executive Departments and Administration)
13, am 76-77, psd 125, H conc 568, enr 617 (Chapter 89)
- SB 566-LOCAL**, relative to membership on city planning boards. (Fraser, Dist 4; Shaheen, Dist 21: Public Affairs)
13, psd 99, 125, H nonconc 571
- SB 567**, permitting the use of snares which shall be subject to the same fees as other traps. (Lovejoy, Dist 6; Wheeler, Dist 11: Wildlife and Recreation)
New title: establishing a committee to study the feasibility of allowing the use of snares for the purposes of trapping.
13, am 335-336, psd 423, nonconc H am, conf 650, 730, 733, rep adop 1019, 1028 (K)
- SB 568**, relative to victims' rights. (Lovejoy, Dist 6 et al: Judiciary)
13, K 91

- SB 569**, permitting a licensed trapper to check traps anytime and to carry a firearm, and repealing a certain affirmative defense relative to the taking of raccoons. (Lovejoy, Dist 6; Wheeler, Dist 11: Wildlife and Recreation)
New title: permitting the checking of traps at night subject to certain restrictions.
 13, am 336-338, psd 423, H conc 569, enr 571 (Chapter 51)
- SB 570**, restricting credit card finance charges. (Lovejoy, Dist 6 et al: Banks)
 13, K 164
- SB 571-LOCAL**, relative to the definition of "good cause" for the purpose of property tax abatements. (Lovejoy, Dist 6 et al: Ways and Means)
 13, K 293
- SB 572-FN**, relative to maximum benefit limitations under the New Hampshire retirement system. (Shaheen, Dist 21; Rep. K. Ward, Graf 1: Insurance)
 13, psd 45-46, 59, conc H am 882, enr 968 (Chapter 207)
- SB 573**, relative to the relocation, for purposes of storage, of a building or structure taxed as real estate. (Barnes, Dist 17: Executive Departments and Administration)
New title: establishing a committee to study the relocation of abandoned manufactured homes within manufactured housing parks.
 13, am 305, psd 423, H conc 738, enr 868 (Chapter 168)
- SB 574**, relative to credit for reinsurance. (Fraser, Dist 4: Insurance)
 13, psd 46, 59, H conc 569, enr 654 (Chapter 64)
- SB 575-FN**, modifying the dental practice act. (W. King, Dist 2: Executive Departments and Administration)
First new title: modifying the dental practice act, and authorizing the attorney general to hire an investigator and a stenographer.
Second new title: modifying the dental practice act.
 13, am 274, psd 298, conc H am 935, enr 1022 (Chapter 289)
- SB 576**, relative to disease control. (Shaheen, Dist 21 et al: Public Institutions, Health and Human Services)
 13, am 281-283, psd 298, conc H am 659-660, enr 968 (Chapter 208)
- SB 577-FN-LOCAL**, relative to licenses to carry loaded pistols and revolvers. (Wheeler, Dist 11 et al: Judiciary)
 14, K (RC) 237-240
- SB 578-LOCAL**, relative to the collection of property taxes in certain municipalities. (Shaheen, Dist 21 et al: Ways and Means)
 14, psd 104-105, 125, H conc 569, enr 618 (Chapter 90)
- SB 579-FN**, relative to group II death benefits under the New Hampshire retirement system. (Shaheen, Dist 21 et al: Insurance)
 14, am 96-97, psd 125, H conc 657, enr 869 (Chapter 169)
- SB 580-FN**, exempting special activities programs from state child day care licensing requirements. (McLane, Dist 15: Public Institutions, Health and Human Services)
First new title: establishing a committee to study future directions for New Hampshire child care licensing policies.
Second new title: exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.
Third new title: establishing a committee to study future directions for New Hampshire child care licensing policies.
 14, am 283-284, psd 298, nonconc H am, conf 804-805, 961, rep adop 1019, 1032-1033, enr am 1068, enr 1090 (Chapter 400)
- SB 581**, to regulate the bundling of campaign contributions made to candidates. (Hollingworth, Dist 23 et al: Executive Departments and Administration)
 14, K 275
- SB 582**, requiring every person representing another person before a local land use board to disclose who is being represented. (W. King, Dist 2: Executive Departments and Administration)
 14, K 77
- SB 583**, establishing a committee to study the feasibility of issuing special license plates to nonprofit organizations and using the proceeds from the fees to benefit nonprofit organizations. (W. King, Dist 2: Transportation)
New title: establishing a committee to study the feasibility of issuing special license plates to nonprofit conservation organizations and using the proceeds from the fees to benefit nonprofit conservation organizations.
 14, am 223, psd 249, H nonconc 570

- SB 584**, relative to the use of certain motorized craft on Hermit Lake in Sanbornton. (W. King, Dist 2: Wildlife and Recreation)
14, K 247
- SB 585**, increasing penalties for certain acts of cruelty to animals. (Roberge, Dist 9 et al: Wildlife and Recreation)
14, psd 296-297, 298, conc H am 791, enr 970 (Chapter 234)
- SB 586**, relative to licensing of cats. (Roberge, Dist 9 et al: Wildlife and Recreation)
First new title: relative to licensing of cats and allowing municipalities to require cat identification.
Second new title: relative to licensing of cats and cat identification.
14, am 109-112, psd 125, H conc 569, enr 617 (Chapter 99)
- SB 587**, revising the penalty provision for carrying a weapon without a license. (Colantuono, Dist 14: Judiciary)
New title: revising the penalty provision for carrying a weapon without a valid license.
14, am 91-92, psd 125, H conc 514, enr 571 (Chapter 48)
- SB 588-FN**, relative to the issuance and renewal of drivers' licenses and the suspension of motor vehicle registrations and the privilege to drive. (Roberge, Dist 9 et al: Transportation)
14, Study 333
- SB 589**, relative to the powers of fiduciaries in environmental matters. (Fraser, Dist 4; Russman, Dist 19: Executive Departments and Administration)
New title: establishing a committee to study the powers of fiduciaries in environmental matters.
14, com changed 37, am 223-225, psd 249, nonconc H am, conf 788, 961, rep adop 1019, 1033, enr 1067 (Chapter 360)
- SB 590**, relative to the investment of trust funds by banks in affiliated investments. (Fraser, Dist 4; Russman, Dist 19: Banks)
14, psd 62-63, 125, H nonconc 732
- SB 591**, relative to the aerial application of pesticides in residential neighborhoods and rural communities. (Lamirande, Dist 1: Environment)
First new title: relative to the aerial application of pesticides.
Second new title: relative to notification of aerial pesticide application.
15, am 225-226, psd 249, conc H am 792, enr 970 (Chapter 235)
- SB 592**, relative to the display of expired motor vehicle plates. (Barnes, Dist 17: Transportation)
First new title: making a technical correction to the regulation of the height of a motor vehicle body and chassis.
Second new title: making a technical correction to the regulation of the height of a motor vehicle body and chassis and prohibiting the display of expired number plates.
15, psd 53-54, 60, nonconc H am, conf 788-789, 961, rep adop 1019, 1033-1034, enr am 1069, enr 1090 (Chapter 384)
- SB 593-FN**, relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients. (Fraser, Dist 4 et al: Public Institutions, Health and Human Services)
New title: relative to the authority of advanced registered nurse practitioners to possess, compound, prescribe, administer, or dispense controlled and noncontrolled drugs to patients and making an appropriation therefor.
15, am & Finance 181, am 430-431, psd 477, conc H am 876, enr 1067 (Chapter 333)
- SB 594-FN**, relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license. (Podles, Dist 16; Rep. E. Gagnon, Hil 48: Ways and Means)
New title: relative to the supplemental liquor license for veterans' clubs and social clubs and the fee for such license; liquor hours of sale; purchases by the liquor commission; payments to on-sale or off-sale licensees by holders of beverage manufacturer, vendor, or distributor licenses; and definitions for purposes of the liquor laws.
15, psd 54, 60, conc H am 875, enr 970 (Chapter 236)
- SB 595**, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. (Hollingworth, Dist 23 et al: Economic Development)
15, psd 253, 298, H rej intro 428
- SB 596-LOCAL**, relative to property taxes on property sold to religious and charitable organizations. (Pignatelli, Dist 13; Rep. Daniels, Hil 13: Executive Departments and Administration)
15, am 136-137, psd 159, H nonconc 570

- SB 597**, prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states. (Baldizar, Dist 12 et al: Judiciary)
New title: prohibiting the enforcement of judgments rendered in other states for failure to pay income tax on pensions to those states, or with respect to income earned at the Portsmouth Naval Shipyard.
 15, am 92, psd 125, conc H am 658, enr 783 (Chapter 170)
- SB 598**, extending lapse dates of certain appropriations in 1993, 359 (HB 25-A). (Hough, Dist 5; Blaisdell, Dist 10: Finance Executive Committee)
New title: extending lapse dates of certain appropriations in 1993, 349 (HB 1) and 1993, 359 (HB 25-A).
 15, psd 137, 159, conc H am 657, enr 869 (Chapter 171)
- SB 599-FN**, establishing a board of licensing for ophthalmic dispensing and opticianry, and relative to the board's fees. (Hollingworth, Dist 23 et al: Public Institutions, Health and Human Services)
New title: establishing a board of ophthalmic dispensing, and relative to the board's fees.
 15, am 182-189, psd 215, H nonconc 618
- SB 600-FN-A**, relative to a liquor store in Center Harbor and making an appropriation therefor. (MacDonald, Dist 3 et al: Ways and Means)
New title: directing the liquor commission to license an agency liquor store in Center Harbor.
 15, Finance 211-212, am 441, psd 477, H nonconc 926
- SB 601-FN**, relative to administrative license suspension. (MacDonald, Dist 3: Judiciary)
 15, K 137-138
- SB 602-FN**, relative to defaults on payments of motor vehicle fines or court appearances. (Colantuono, Dist 14 et al: Transportation)
 15, psd 333, 423, H conc 568, enr 617 (Chapter 65)
- SB 603**, relative to the definition and payment of salaried employees. (Fraser, Dist 4 et al: Executive Departments and Administration)
 15, am 306-307, psd 423, conc H am 792, enr 1021 (Chapter 290)
- SB 604-FN**, relative to the Medicaid look-back provisions for applicants for public or medical assistance. (Pignatelli, Dist 13; Rep. Sargent, Hil 3: Public Institutions, Health and Human Services)
New title: relative to the medicaid look-back provisions for applicants for public or medical assistance and authorizing the commissioner of the department of health and human services to adopt rules relative to the compensation of the members of the drug use review board.
 16, psd 189, 216, conc H am 659, enr am 945, enr 970 (Chapter 237)
- SB 605**, relative to the penalty for out-of-state habitual offenders driving in this state without a license. (MacDonald, Dist 3; Rep. J. Bradley, Car 8: Judiciary)
First new title: relative to driving a motor vehicle after license revocation or suspension in another state.
Second new title: relative to driving a motor vehicle after license revocation or suspension.
 16, am 240-241, psd 249, conc H am 877, enr 1021 (Chapter 291)
- SB 606**, authorizing the police standards and training council to assist law enforcement agencies with the preparation of written policies. (MacDonald, Dist 3; Rep. Pepino, Hil 40: Executive Departments and Administration)
 16, psd 77, 125, H conc 657, enr 869 (Chapter 172)
- SB 607**, relative to payment of hourly employees called for jury duty. (Lamirande, Dist 1: Executive Departments and Administration)
 16, K 77
- SB 608**, increasing the penalty for certain DWI offenses to include lifetime license revocation. (Barnes, Dist 17 et al: Judiciary)
 16, psd 241, 249, nonconc H am, conf 811-812, 961, K 1016
- SB 609**, providing extended terms of imprisonment for certain DWI offenses. (Barnes, Dist 17; Rep. Hashem, Str 6: Judiciary)
 16, am 278, psd 298, H nonconc 732
- SB 610**, allowing municipalities to vote to impose a resident tax of up to \$1,000 to aid in property tax relief. (Russman, Dist 19: Ways and Means)
 16, K 105
- SB 611**, relative to the penalty for habitual offenders convicted of driving while intoxicated and home confinement. (Podles, Dist 16; MacDonald, Dist 3: Judiciary)
 16, am 278, psd 298, H nonconc 656

- SB 612**, relative to the electricians' licensing board. (Currier, Dist 7; Rep. Felch, Rock 21: Executive Departments and Administration)
16, psd 77, 125, conc H am 660, enr 969 (Chapter 238)
- SB 613**, relative to administrative fines for violations of the emergency medical services law. (Currier, Dist 7; Rep. Cowenhoven, Hil 14: Executive Departments and Administration)
16, am 77-78, psd 125, conc H am 660-661, enr 967 (Chapter 209)
- SB 614**, relative to child support orders for college costs. (Currier, Dist 7; Colantuono, Dist 14: Public Institutions, Health and Human Services)
16, K 247
- SB 615**, relative to the use of repair plates. (Currier, Dist 7: Transportation)
16, Study 333
- SB 616**, relative to term limitations for members of Congress from New Hampshire. (Podles Dist 16 et al: Public Affairs)
16, am (2 RC's) 144-148, psd 159, H rej intro 428
- SB 617**, establishing a committee to study the problem of suicide among young people (Bourque, Dist 20 et al: Public Institutions, Health and Human Services)
16, am 153, psd 159, H nonconc 571
- SB 618**, changing the title of juvenile services officers to juvenile probation-parole officers (J. King, Dist 18 et al: Judiciary)
New title: changing the title of juvenile services officers to juvenile probation-parole officers, and changing the term "conditional release" to "juvenile probation."
17, am 92-93, psd 126, nonconc H am, conf 813, 961-962, rep adop 1019, 1034-1035 (K
- SB 619-FN**, relative to a cost of living adjustment for retired firefighters. (J. King, Dist 18 et al: Insurance)
17, am & Finance 173, psd 444, 477, H nonconc 570
- SB 620-LOCAL**, standardizing the form used for abatement applications to municipalities (J. King, Dist 18 et al: Public Affairs)
17, am 178-179, psd 216, H conc 569, enr 617 (Chapter 91)
- SB 621-FN**, relative to eligibility for unemployment benefits. (Lamirande, Dist 1; Rep. Hurst Rock 22: Public Affairs)
17, am 368-370, psd 423, nonconc H am, conf 938, 964, K 1016, rej H req for new con: 1018
- SB 622**, changing the membership of the board of examiners of psychology and mental health practice. (J. King, Dist 18 et al: Executive Departments and Administration)
17, psd 78, 126, H conc 738, enr 869 (Chapter 173)
- SB 623**, relative to the protection of freedom of speech on college campuses. (Colantuono Dist 14 et al: Public Affairs)
17, am & LT (RC) 179-180, (RC) 420, K 422, remarks 508-509
- SB 624**, requiring that the technical rules of evidence be applied in child abuse and neglect cases. (Wheeler, Dist 11 et al: Judiciary)
17, Study 241
- SB 625-FN-A**, relative to an in-home care pilot program and making an appropriation therefor. (McLane, Dist 15; Blaisdell, Dist 10: Public Institutions, Health and Human Services)
New title: relative to an in-home care pilot program and relative to community based care and making appropriations therefor.
17, psd, recon, & Finance 153-154, am 445, psd 477, conc H am 938-939, enr am 1069, enr 1091 (Chapter 401)
- SB 626-FN**, abolishing certain state agency positions when current employees have left the positions, unless the general court reestablishes the positions. (J. King, Dist 18 et al: Executive Departments and Administration)
17, am 275, psd 298, H nonconc 570
- SB 627**, relative to conduct and reporting after a motor vehicle accident. (Podles, Dist 16; Lovejoy, Dist 6: Judiciary)
17, K 138
- SB 628-FN**, relative to regulation of youth camps. (Currier, Dist 7: Public Institutions, Health and Human Services)
17, psd 189, recon & Finance 191, am 431, psd 477, H conc 568, enr 784 (Chapter 174)
- SB 629-FN**, relative to the state guarantee of bonds issued by the business finance authority. (Currier, Dist 7; Colantuono, Dist 14: Economic Development)
17, K 253

- SB 630**, relative to the New Hampshire industrial heritage commission. (Bourque, Dist 20 et al: Executive Departments and Administration)
17, am 87, psd 126, H conc 569, enr 653 (Chapter 66)
- SB 631-FN-A**, relative to an integrated computer network within the department of education, and making an appropriation therefor. (Disnard, Dist 8 et al: Education)
18, Finance 166, K 445
- SB 632-FN-A**, establishing a pilot program to create a telecommunications link for trade information to promote international trade and making an appropriation therefor. (Cohen, Dist 24 et al: Economic Development)
New title: establishing a pilot program to disseminate from the Pease International Trade Center trade information to promote international trade and making an appropriation therefor.
18, am & Finance 339-340, am 445, psd 477, H nonconc 926
- SB 633**, exempting the real estate and personal property of The Housing Partnership from the property tax. (Cohen, Dist 24 et al: Executive Departments and Administration)
18, LT 87-88, K 422
- SB 634**, establishing a committee to study and promote the use of non-motorized transportation. (Cohen, Dist 24 et al: Transportation)
18, psd 102, 126, conc H am 649-650, enr 967 (Chapter 210)
- SB 635**, requiring public transportation to be considered before airport parking lots are approved for expansion. (Cohen, Dist 24 et al: Transportation)
18, K 333
- SB 636**, relative to the public use of coastal beaches for recreational purposes. (Cohen, Dist 24 et al: Wildlife and Recreation)
18, am 247-249, psd 250, H Study 1019
- SB 637-FN**, relative to public roads and the use of salt, sand and deicing alternatives. (Baldizar, Dist 12; Russman, Dist 19: Transportation)
First new title: relative to a pilot program concerning the use of deicing alternatives and making an appropriation therefor.
Second new title: relative to a pilot program concerning the use of deicing methods and alternatives.
18, am 201-203, psd 216, conc H am 793, enr 969 (Chapter 239)
- SB 638-FN**, relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections. (Hollingworth, Dist 23 et al: Finance Executive Committee)
New title: relative to the salary levels of the director of adult services/warden and commissioner of the department of corrections and making a supplemental appropriation to the department of corrections.
18, psd 89, 126, nonconc H am, conf 874-875, 962, H rej rep, new conf 1017, rep adop 1061, enr am 1069, enr 1090 (Chapter 385)
- SB 639**, relative to medical records and the fee for retrieving medical record copies. (Colantuono, Dist 14; Russman, Dist 19: Public Institutions, Health and Human Services)
18, am 374-376, psd 423, H nonconc 570
- SB 640-FN**, abolishing the advisory board of massage practitioners, establishing a regulatory board of massage practitioners, and specifying the board's duties, rulemaking authority, and fee collection procedures. (Colantuono, Dist 14 et al: Executive Departments and Administration)
18, am 307-308, psd 423, H Study 569
- SB 641-FN**, relative to group II retirement system membership for peace officers in the division of safety services. (Shaheen, Dist 21 et al: Insurance)
New title: relative to group II retirement system membership for full-time marine patrol officers in the division of safety services.
18, psd 47, 60, conc H am 875-876, enr 1067 (Chapter 334)
- SB 642-FN**, relative to drug-free school zones and creating a special fund for providing and replacing zone signs. (Podles, Dist 16 et al: Transportation)
18, psd 203, 216, H conc 514, enr 511 (Chapter 28)
- SB 643-FN-A**, relative to examining the feasibility of building a civic/exposition center in Manchester and making an appropriation therefor. (Bourque, Dist 20: Economic Development)
19, am & Finance 253, am 445-446, psd 477, H nonconc 570
- SB 644-FN-A**, appropriating funds for the redesignation of a portion of New Hampshire Route 51 as New Hampshire Route 101. (Cohen, Dist 24 et al: Capital Budget)
19, psd 441, 477, nonconc H am, conf 874, rep adop 1019, 1035, enr 1065 (Chapter 335)

- SB 645-FN**, requiring the state to accept the Union Leader building and authorizing the commissioner of administrative services to determine how the real estate shall be renovated for use as a court facility and for additional state office space. (D. Wheeler, Dist 11 et al: Capital Budget)
19, K 252
- SB 646-FN**, relative to the taking of freshwater smelt. (Disnard, Dist 8 et al: Wildlife and Recreation)
19, K 157
- SB 647**, relative to compulsory attendance. (Colantuono, Dist 14 et al: Education)
19, psd 258, 298, conc H am 648-649, enr 714 (Chapter 121)
- SB 648-FN**, amending the 10-year highway plan and requiring the department of transportation to construct northbound and southbound entrance and exit ramps on I-93 in the town of Thornton. (W. King, Dist 2: Transportation)
19, Finance 333-334, am 441-442, psd 477, H nonconc 571
- SB 649**, relative to workers' compensation insurance disclosure. (W. King, Dist 2: Insurance)
19, psd 173, 216, H nonconc 732
- SB 650-FN-A**, establishing a lead base substance abatement fund and making an appropriation therefor. (Shaheen, Dist 21 et al: Public Institutions, Health and Human Services)
First new title: establishing a lead base substance abatement fund and authorizing the housing finance authority to issue bonds and notes to finance start-up costs of the fund.
Second new title: establishing a committee to study lead base paint abatement and relative to the nuclear decommissioning financing committees.
Third new title: establishing a committee to study lead base paint abatement, relative to the nuclear decommissioning financing committees and authorizing the housing finance authority to make lead abatement loans.
19, am & Finance 189-190, am 446, psd 477, nonconc H am, conf 914, 962, rep adop 1019, 1035-1037, enr am 1069, enr 1090 (Chapter 386)
- SB 651-FN**, creating a real estate recovery trust fund, to be funded by certain fees. (Lovejoy, Dist 6 et al: Economic Development)
19, am 340-342, psd 423, H nonconc 570
- SB 652-FN-A**, making an appropriation for transportation programs servicing the elderly and disabled, the North Country Partnership on behalf of New Hampshire residents afflicted with Alzheimer's disease, and for respite care services for victims of Alzheimer's disease and their families. (Disnard, Dist 8 et al: Public Institutions, Health and Human Services)
19, Finance 190, psd 431-432, 477, H conc 568, enr 783 (Chapter 175)
- SB 653**, repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places. (Lamirande, Dist 1: Environment)
New title: repealing obsolete provisions of law relating to tax assessment and timber cut in unincorporated or unorganized places and establishing a committee to study the recommendations of the Northern Forest Lands Council.
19, am 131-132, psd 159, conc H am 737, enr 971 (Chapter 258)
- SB 654**, establishing a committee to study the feasibility of instituting a kindergarten voucher program. (Colantuono, Dist 14 et al: Education)
New title: establishing a committee to study the feasibility of instituting a statewide kindergarten program.
19, LT 128-130, am 157, psd 159, H nonconc 515
- SB 655-FN-A**, relative to conducting a forest inventory analysis on New Hampshire forest lands and making an appropriation therefor. (Currier, Dist 7 et al: Environment)
20, Finance 226, am 432-434, psd 477, conc H am 881, enr am 1069, enr 1091 (Chapter 387)
- SB 656**, repealing the chapter regarding the subversive activities act. (McLane, Dist 15 et al: Judiciary)
20, psd 93, 126, H conc 514, enr 513 (Chapter 29)
- SB 657-LOCAL**, creating an optional form of legislative body for town government. (Cohen, Dist 24; Rep. Hemon, Str 11: Public Affairs)
20, K 99
- SB 658**, regulating the practice of dental hygiene, including the issuance of licenses and fees. (Cohen, Dist 24 et al: Executive Departments and Administration)
20, am 308-310, psd 423, conc H am 661, enr am 945, enr 970 (Chapter 240)

- SB 659-FN-A**, relative to the Civilian Conservation Corps camp at Bear Brook state park and providing consolidated warehousing and workshop facilities for the department of resources and economic development and making an appropriation therefor. (Barnes, Dist 17: Economic Development)
20, am & Finance 253-254, psd 442, 478, H Study 732
- SB 660**, relative to settlements on behalf of minors. (Podles, Dist 16; Rep. Domini, Sul 6: Judiciary)
20, am 241-242, psd 250, H conc 514, enr 511 (Chapter 30)
- SB 661**, preventing strategic lawsuits against public participation. (Podles, Dist 16 et al: Judiciary)
20, LT 278-279, S Ct opin req (SR 2) 404, K 928 (opin printed 138 N.H. 445)
- SB 662**, to limit electioneering at polling places. (Podles, Dist 16 et al: Judiciary)
20, com changed 36, K 180
- SB 663**, relative to wiretapping. (Baldizar, Dist 12 et al: Judiciary)
20, am 279, psd 298, H Study 732
- SB 664**, relative to laid off state employees whose positions are federally funded. (Shaheen, Dist 21; Rep. P. LaMott, Graf. 5: Executive Departments and Administration)
20, am 310, psd 423, H conc 568, enr am 916, enr 969 (Chapter 241)
- SB 665-LOCAL**, prohibiting the use of per capita income or personal income as a basis for determining costs of capital outlay and operation in cooperative school districts. (Lovejoy, Dist 6 et al: Education)
20 K (RC) 258-263
- SB 666-LOCAL**, relative to the appraisal of the operating property of public utilities for purposes of property taxation. (J. King, Dist 18; Hollingworth, Dist 23: Ways and Means)
20, K 212-214, recon notice 222
- SB 667-FN**, relative to guardians ad litem appointed in child protection cases. (Podles, Dist 16 et al: Public Institutions, Health and Human Services)
20, com changed 36, am & Finance 242, psd 434, 478, nonconc H am, conf 796, 962, rep adop 1020, 1037-1038, enr 1067 (Chapter 361)
- SB 668-FN-LOCAL**, abolishing the New Hampshire retirement system special reserve account. (Blaisdell, Dist 10 et al: Insurance)
20, Finance 97, psd 167, 216, H nonconc 618
- SB 669-FN-LOCAL**, relative to creditable service under the retirement system for time during which a person is receiving workers' compensation. (Shaheen, Dist 21 et al: Insurance)
21, Finance 173, psd 447, 478, H conc 928, enr 969 (Chapter 242)
- SB 670-FN**, making technical corrections to the securities laws and relative to fees for securities registration. (Fraser, Dist 4 et al: Insurance)
New title: making technical corrections to the securities laws, relative to fees for securities registration, and reinstating the charter of the Union International Corporation.
21, com changed 36, am & Finance 251, psd 434, 478, conc H am 944, enr am 1070, enr 1091 (Chapter 388)
- SB 671-FN-A**, negating the repeal of tax credits against the business profits tax and the investment tax credit. (McLane, Dist 15: Ways and Means)
New title: relative to the community development finance authority and investment tax credits.
21, Finance 214, am 447, psd 478, nonconc H am, conf 917, rep adop 1020, 1038, enr 1066 (Chapter 336)
- SB 672-FN**, requiring the public utilities commission to designate employees as staff advocates or decisional employees in adjudicative proceedings. (Fraser, Dist 4 et al: Public Affairs)
21, am 148-149, recon & Finance 152-153, psd 447, 478, nonconc H am, conf 736, 798-799, 927, rep adop 1020, 1039, enr am 1070, enr 1091 (Chapter 414)
- SB 673-FN**, generally amending certain provisions relating to domestic violence. (Baldizar, Dist 12 et al: Judiciary)
21, am, recon, & Finance 138-140, psd 447, 478, conc H am 657, enr 971 (Chapter 259)
- SB 674-FN-A**, placing responsibility for dredging projects in tidal waters with the port authority and making an appropriation therefor. (Hollingworth, Dist 23 et al: Environment)

First new title: placing responsibility for dredging projects in tidal waters with the port authority and continually appropriating certain fees to the port authority.
Second new title: placing responsibility for dredging projects in tidal waters with the port authority, continually appropriating certain fees to the port authority and compensating the public members of the wetlands board for their services.
 21, am & Finance 133, am 434, psd 478, conc H am 879-880, enr 1022 (Chapter 292)

SB 675-FN, permitting the propagation and sale of Virginia white-tailed deer. (Disnard, Dist 8 et al: Wildlife and Recreation)
 21, psd 297, 298, H nonconc 570

SB 676, relative to equal employment opportunity in the workplace. (Lamirande, Dist 1; Rep. Hurst, Rock 22: Public Affairs)
 21, am 328, psd 423 (H IP)

SB 677-FN, relative to paternity. (J. King, Dist 18 et al: Judiciary)
 21, am 242, psd 250, conc H am 649, enr am 946-947, enr 971 (Chapter 260)

SB 678, establishing a committee to study the fairness and equity of the current turnpike road toll system and the feasibility of financing highway projects through alternative means. (Baldizar, Dist 12 et al: Transportation)
 21, am 102-103, psd 126, recon notice 128, recon & am 214-215, psd 216, H nonconc 515

SB 679, relative to the qualifications for speech and language pathologists. (Disnard, Dist 8; Rep. Carter, Mer 7: Executive Departments and Administration)
 21, K 310

SB 680, revising the mandatory reporting provisions in child protection cases. (Colantuono Dist 14 et al: Public Institutions, Health and Human Services)
 21, K 190

SB 681, relative to fingerprinting of school district applicants for employment, and requiring record checks of non-certified applicants for employment with school administrative units or school districts. (Podles, Dist 16 et al: Education)
New title: relative to fingerprinting and criminal record checks for newly hired school district employees.
 21-22, LT 349-353, am & K (2 RC's) 400-404

SB 682, relative to the composition of the nuclear decommissioning financing committees (Blaisdell, Dist 10 et al: Finance Executive Committee)
 22, K 448

SB 683, authorizing the award of punitive damages and attorneys' fees for violations of the human rights laws. (Lamirande, Dist 1; Rep. M. Hawkinson, Coos 7: Judiciary)
 22, K 93-95

SB 684, limiting fees charged by companies for checks drawn on insufficient funds (Lamirande, Dist 1: Banks)
New title: limiting fees charged by companies and lenders for checks drawn on insufficient funds.
 22, am 164-166, psd 216, H nonconc 732

SB 685, relative to the rulemaking authority of the fire standards and training commission including the authority to establish fees. (Currier, Dist 7; MacDonald, Dist 3: Executive Departments and Administration)
First new title: relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; and granting municipalities options for fire department financing and property ownership.
Second new title: relative to the rulemaking authority of the fire standards and training commission, including the authority to establish fees; granting municipalities options for fire department financing and property ownership; and changing the bureau of fire standards and training to the division of fire standards and training.
 22, am 310-311, psd 423, conc H am 935, enr am 1070-1071, enr 1090 (Chapter 389)

SB 686, reclassifying a portion of Stratham Heights Road in the town of Stratham. (Cohen Dist 24 et al: Transportation)
 22, psd 103, 126, conc H am 515-516, enr 571 (Chapter 49)

SB 687, requiring that at least 75 percent of campaign contributions come from contributors in the candidate's district. (Hollingworth, Dist 23 et al: Executive Departments and Administration)
New title: relative to the duties of the legislative advisory committee on campaign financing statutes.
 22, am 311-312, psd 424, H nonconc 570

- SB 688-LOCAL**, relative to redemption of property subject to tax liens for the elderly and disabled. (Bourque, Dist 20 et al: Executive Departments and Administration)
New title: relative to redemption of property subject to tax liens for the elderly and disabled and inserting certain references with regard to the exemption for the totally and permanently disabled.
 22, am 275-276, psd 299, nonconc H am, conf 650-651, 732, rep adop 1020, 1039, enr am 1071, enr 1091 (Chapter 390)
- SB 689**, enabling municipalities to require cat identification. (Roberge, Dist 9 et al: Wildlife and Recreation)
 22, K 297
- SB 690**, establishing a committee to study the feasibility of involving the university system of New Hampshire with the training of state employees. (J. King, Dist 18 et al: Education)
 22, am 130-131, psd 159, conc H am 648, enr 784 (Chapter 176)
- SB 691**, relative to the use of surplus campaign funds by candidates for state office. (J. King, Dist 18 et al: Public Affairs)
 22, K 180
- SB 692**, establishing a streamlined durable power of attorney for health care. (McLane, Dist 15 et al: Public Institutions, Health and Human Services)
 22, Study 101-102
- SB 693**, relative to a study of the requirement for a work certificate under the youth employment law. (McLane, Dist 15: Executive Departments and Administration)
 22, K 276
- SB 694-LOCAL**, exempting church-operated child day care facilities from state licensing requirements. (Wheeler, Dist 11 et al: Public Institutions, Health and Human Services)
 23, K 190
- SB 695**, relative to the financial regulation of life and health insurers. (Fraser, Dist 4: Insurance)
 23, psd 97, 126, H conc 657, enr 783 (Chapter 177)
- SB 696-LOCAL**, requiring the department of revenue administration to base its determination of total equalization in small towns on 3 years of property sales and assessments in such towns. (Disnard, Dist 8: Ways and Means)
 23, K 105
- SB 697-FN-A**, relative to the New Hampshire Industrial Research Center and making an appropriation therefor. (W. King, Dist 2 et al: Economic Development)
New title: relative to the New Hampshire Industrial Research Center.
 23, am & Finance 254-255, am 448, psd 478, conc H am 933, enr 1021 (Chapter 293)
- SB 698**, requiring the department of resources and economic development to advertise only out-of-state to promote New Hampshire business. (Cohen, Dist 24; Rep. Buckley, Hil 44: Economic Development)
 23, K 166
- SB 699**, prohibiting the taking of deer east of I-95. (Cohen, Dist 24 et al: Wildlife and Recreation)
 23, K 249
- SB 700-FN-LOCAL**, relative to reinstatement of workers sustaining compensable injuries. (Hollingworth, Dist 23 et al: Insurance)
 23, K 98
- SB 701-FN-A-LOCAL**, relative to establishing a conference center in the lakes region and making an appropriation therefor and extending a study committee. (Colantuono, Dist 14 et al: Economic Development)
First new title: extending a study committee.
Second new title: extending the duties of the convention center study committee.
 23, am & Finance 255-256, am 448-449, psd 478, nonconc H am, conf 790, rep adop 1020, 1039-1040, enr am 1071, enr 1091 (Chapter 402)
- SB 702-FN-A**, relative to congregate housing and making an appropriation therefor. (Bourque, Dist 20 et al: Public Institutions, Health and Human Services)
 23, Finance 102, psd 449, 478, H conc 928, enr 968 (Chapter 211)
- SB 703-FN**, creating a university system research development fund. (Shaheen, Dist 21 et al: Education)
 23, Finance 166, am 449-450, psd 478, H nonconc 570

- SB 704-FN**, excluding certain persons incarcerated for negligent homicide as a result of DWI from eligibility for parole as low-risk, non-violent prisoners. (Roberge, Dist 9; Rep. Hashem, Str 6: Judiciary)
23, K 242-243
- SB 705**, requiring in domestic cases that a child be allowed unsupervised visitation with the non-custodial parent unless that parent has been convicted of a felony or felony criminal charges are pending, or unless there is a finding of child abuse or neglect or allegations of child abuse or neglect are pending. (Wheeler, Dist 11: Judiciary)
New title: providing that in domestic cases there shall be a presumption that it is in the best interest of a child to have regular, unsupervised visits with both parents.
23, am 280, psd 299, H Study 656
- SB 706**, allowing school districts to use the official ballot for issues before the voters. (Roberge, Dist 9 et al: Public Affairs)
23-24, K 180
- SB 707-FN**, lowering the age of eligibility for a nondriver's picture identification card. (Blaisdell, Dist 10 et al: Public Affairs)
24, psd 150, 159, H conc 569, enr 617 (Chapter 67)
- SB 708-FN**, requiring the department of fish and game to permit aquaculture of oysters in the Piscataqua River. (Cohen, Dist 24: Environment)
First new title: permitting the aquaculture of oysters.
Second new title: permitting the aquaculture of oysters and the use of live bait for the purpose of taking fish on Lake Sunapee.
24, am & Finance 226-227, recon & psd 249, 250, H nonconc 732
- SB 709-FN**, relative to changes mandated by OBRA and repealing a statute in conflict with the children's health plan. (Baldizar, Dist 12 et al: Public Institutions, Health and Human Services)
First new title: relative to changes mandated by OBRA, repealing a statute in conflict with the children's health plan, relative to the date on which medical child support orders must begin to include provisions concerning wage assignment, and relative to the appointment and salary of certain employees of the department of health and human services.
Second new title: relative to changes mandated by OBRA, repealing a statute in conflict with the children's health plan, relative to the date on which medical child support orders must begin to include provisions concerning wage assignment, relative to the appointment and salary of certain employees of the department of health and human services and relative to the authority of hospice house staff members to administer medication.
24, psd 190, 216, nonconc H am, conf 944, 965, rep adop 1020, 1040-1041, enr am 1071-1072, enr 1091 (Chapter 403)
- SB 710-FN-LOCAL**, changing the interest rate on delinquent property taxes and subsequent taxes. (Russman, Dist 19: Ways and Means)
24, am 293-295, psd 299, H rej intro 428
- SB 711**, relative to small employer and individual insurance. (Shaheen, Dist 21 et al: Insurance)
24, am & Finance 321-323, am 450-452, psd 478, conc H am 733, enr 1022 (Chapter 294)
- SB 712**, prohibiting the healthy kids corporation insurance plan from funding abortions (Wheeler, Dist 11 et al: Insurance)
24, LT (RC) 230-231, K 423
- SB 713**, providing that, under the child protection act, failure to comply with the provisions relative to filing reports, evaluations, and other records shall be grounds for dismissal of the petition. (Wheeler, Dist 11 et al: Public Institutions, Health and Human Services)
24, K 191
- SB 714**, relative to personal flotation devices. (MacDonald, Dist 3: Wildlife and Recreation)
24, am 112-113, psd 126, H nonconc 656
- SB 715**, relative to the time period during which notice must be filed concerning the results of an alcohol concentration test. (Roberge, Dist 9 et al: Judiciary)
24, K 328
- SB 716-FN**, relative to the evaluation of bids for the treatment and disposal of contaminated soil. (Barnes, Dist 17 et al: Environment)
New title: relative to rules governing the evaluation of bids for the treatment and disposal of contaminated soil.
24, am 343-344, psd 424, nonconc H am, conf 936, K 1016, rej H req for new conf 1018-1019

- SB 717**, relative to false residency forms and automobile insurance. (Fraser, Dist 4: Insurance)
New title: relative to residency forms and automobile insurance.
24, am 174, psd 216, nonconc H am, conf 936, K 1016
- SB 718**, relative to the real estate appraiser board. (W. King, Dist 2 et al: Executive Departments and Administration)
24, K 276
- SB 719**, establishing a committee to study the feasibility of implementing the Squam lakes watershed plan. (W. King, Dist 2: Environment)
New title: establishing a committee to study the feasibility of implementing the recommendations of the Squam lakes watershed plan.
25, am 133-134, psd 159, nonconc H am, conf 789, recon notice 831, recon & conc H am 870, enr 971 (Chapter 261)
- SB 720**, requiring the advisory committee on shore fisheries to assume responsibility for developing shellfish management strategies. (Cohen, Dist 24 et al: Environment)
25, K 227
- SB 721**, establishing a committee to study revising the aeronautics statutes. (Blaisdell, Dist 10 et al: Executive Departments and Administration)
25, K 88
- SB 722**, relative to petitions for declaratory judgments to determine insurance coverage. (Baldizar, Dist 12; Rep. DePecol, Ches 14: Insurance)
25, psd 174, 216, H conc 514, enr 511 (Chapter 37)
- SB 723-FN-LOCAL**, expanding the AFDC emergency assistance program to provide federal matching funds for certain general assistance expenditures made by cities and towns. (W. King, Dist 2 et al: Public Institutions, Health and Human Services)
New title: requiring the director of the division of human services to submit a proposal for expanding the emergency assistance program under Title IV-A of the Social Security Act to include certain non-AFDC eligible households.
25, Finance 284, psd 452, 478, conc H am 658, enr am 1072, enr 1090 (Chapter 404)
- SB 724**, requiring clear and conspicuous posting of notice on secured premises. (Roberge, Dist 9 et al: Public Affairs)
New title: relative to conspicuous notice in parking lots and garages stating that illegally parked cars are subject to towing.
25, am 328-329, psd 424, conc H am 878, enr 1022 (Chapter 295)
- SB 725-FN**, requiring the department of transportation to install traffic lights on U.S. Route 1 at the intersections with Washington Road and Lang Road in the town of Rye. (Cohen, Dist 24: Transportation)
25, K 334
- SB 726-FN**, changing the title of the division for children and youth services to the division for children, youth, and families. (McLane, Dist 15 et al: Public Institutions, Health and Human Services)
25, am 154, psd 159, H conc 514, enr am 916, enr 968 (Chapter 212)
- SB 727-FN**, extending the driver attitude training program. Roberge, Dist 9; Barnes, Dist 17: Transportation)
25, psd 156, 159, H conc 569, enr 571 (Chapter 50)
- SB 728-FN-A-LOCAL**, providing incentive aid for public kindergarten programs and making an appropriation therefor. (Lamirande, Dist 1 et al: Education)
New title: providing incentive aid for public kindergarten programs, establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission, and making an appropriation therefor.
25, am & Finance 263-266, am (RC) 469-471, psd 478, H nonconc 570
- SB 729-FN-LOCAL**, allowing high school credit for community service, changing the maximum compulsory school attendance age from 16 to 18 years of age, changing the school entry enrollment date, and allowing certain children with disabilities to get work certificates. (Lamirande, Dist 1: Education)
25, Study 266-267
- SB 730-FN**, relative to funding for low income and financially disadvantaged utility assistance programs. (Bourque, Dist 20 et al: Public Institutions, Health and Human Services)
25, am & Finance 154-155, psd 452-453, 478, conc H am 658-659, enr 968 (Chapter 213)
- SB 731-FN**, relative to mandatory automobile insurance. (Lamirande, Dist 1: Insurance)
25, Study 174-176

- SB 732-FN**, establishing the position of substance abuse statistics coordinator. (Hollingworth, Dist 23 et al: Judiciary)
26, am & Finance 95, Study 453
- SB 733-FN**, requiring certification of athletic trainers, including fees for certification. (Currier, Dist 7 et al: Executive Departments and Administration)
26, am 312-313, psd 424, conc H am 793, enr 972 (Chapter 262)
- SB 734-FN**, relative to fireworks. (Currier, Dist 7; Rep. D. Welch, Rock 18: Public Affairs)
26, psd 150, 159, conc H am 648, enr 784 (Chapter 123)
- SB 735-FN-LOCAL**, allowing political subdivisions to impose an interest charge on any delinquent state obligation. (J. King, Dist 18 et al: Ways and Means)
New title: allowing political subdivisions to impose an interest charge on certain delinquent state obligations.
26, am & Finance 295, K 453
- SB 736-FN-A**, relative to the taxation of revocable trusts. (McLane, Dist 15; Rep. Mercer, Hil 27: Insurance)
New title: relative to the taxation of grantor trusts.
26, am 323-324, psd 424, H conc 657, enr 784 (Chapter 178)
- SB 737-FN-LOCAL**, authorizing the state board of education to adopt rules relative to non-institutional private education programs and making private educators subject to certain education laws. (Wheeler, Dist 11 et al: Education)
26, K 267
- SB 738-FN-LOCAL**, establishing a procedure for the emancipation of minors. (Colantuono Dist 14 et al: Judiciary)
26, K 243
- SB 739-FN**, relative to the retirement group classification of investigators in the department of justice and relative to the powers of such investigators. (Blaisdell, Dist 10; McLane Dist 15: Insurance)
26, Finance 177, Study 453
- SB 740-FN**, relative to employee leasing. (W. King, Dist 2 et al: Public Affairs)
First new title: relative to employee leasing and requiring the department of safety to keep drivers records confidential except for certain reasons and making an appropriation therefor.
Second new title: relative to employee leasing and making an appropriation therefor to the department of labor.
26, am 329-331, psd 424, nonconc H am, conf 942-943, 964, rep adop 1020, 1041-1042 enr am 1072, enr 1090 (Chapter 405)
- SB 741-FN**, allowing any person with a direct or indirect interest in a decision by the real estate commission to appeal such decision. (Disnard, Dist 8: Executive Departments and Administration)
26, K 276-277
- SB 742-FN**, making the workers' compensation premium for domestics optional. (Cohen, Dist 24: Insurance)
26, K 98
- SB 743-FN**, relative to insurance coverage for children. (Fraser, Dist 4 et al: Insurance)
26, am & Finance 324-325, psd 453, 478, H conc 568, enr am 916-917, enr 969 (Chapter 214)
- SB 744-FN**, to extend medical and surgical benefits to the disabled children of retirees (Hollingworth, Dist 23 et al: Insurance)
New title: establishing a committee to study providing health insurance to the dependents of retired state employees.
26, Finance 177, am 453-454, psd 478, H conc 928, enr 970 (Chapter 243)
- SB 745-FN**, relative to the maintenance of vegetation obstructing advertising devices (Cohen, Dist 24 et al: Environment)
26, com changed 36, am 203-209, psd 216, H nonconc 618
- SB 746-FN**, relative to land fee increases in manufactured housing parks. (Hollingworth Dist 23 et al: Public Affairs)
27, Study 331
- SB 747-FN**, relative to lease-purchase agreements. (Fraser, Dist 4 et al: Banks)
New title: relative to rent-to-own agreements.
27, am & Finance 251-252, psd 435, 478, nonconc H am, conf 879, 962-963, rep adop 1020, 1042, enr am 1072-1073, enr 1090 (Chapter 406)

- SB 748-FN**, creating interagency family assistance teams for at-risk youths. (McLane, Dist 15 et al: Public Institutions, Health and Human Services)
27, am & Finance 191-192, psd 435, 478, H Study 656
- SB 749-FN**, relative to the workers' personal care assistance program. (Currier, Dist 7: Public Institutions, Health and Human Services)
27, Finance 102, am 167, psd 216, H nonconc 926
- SB 750-FN**, relative to the medical examiner and establishing a committee to study the office of the medical examiner. (Currier, Dist 7; Rep. Copenhaver, Graf 10: Public Institutions, Health and Human Services)
27, psd 102, 126, H conc 657, enr 784 (Chapter 181)
- SB 751-FN**, deleting the restriction on the number of hours which part-time assistant attorneys general may work. (Pignatelli, Dist 13: Judiciary)
27, psd 96, 126, H conc 657, enr 783 (Chapter 179)
- SB 752-FN**, relative to signage on highways and signage fees. (Currier, Dist 7: Transportation)
First new title: relative to signage on highways and signage fees and continually appropriating a special fund.
Second new title: relative to signage on highways and signage fees.
27, am 209-210, psd 216, conc H am 793, enr 1021 (Chapter 296)
- SB 753-FN-A-LOCAL**, relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor. (W. King, Dist 2 et al: Public Institutions, Health and Human Services)
First new title: relative to promoting economic self-sufficiency for families receiving AFDC.
Second new title: relative to promoting economic self-sufficiency for families receiving AFDC and making an appropriation therefor.
27, am & Finance 284-291, am (RC) 471-473, psd 478, conc H am 938, enr am 1073, enr 1091, veto sustained (RC) 1094-1100
- SB 754-FN**, directing the attorney general to pursue settlement of the Portsmouth, New Hampshire Naval Shipyard and inner Portsmouth Harbor border dispute between New Hampshire and Maine. (Cohen, Dist 24 et al: Interstate Cooperation)
27, am 327-328, psd 424, conc H am 794, enr 972 (Chapter 264)
- SB 755-FN-A**, allowing a business profits tax credit for alternative fuel vehicles. (Hollingworth, Dist 23 et al: Transportation)
New title: allowing business profits tax credits for alternative fuel vehicles.
27, com changed 36, am & Finance 227, am 435-436, psd 478, H nonconc 926
- SB 756-FN-A**, relative to the definition of "gross receipts" for the calculation of the franchise tax. (Hollingworth, Dist 23 et al: Environment)
New title: relative to the definitions of "gross receipts" and "public utility" for the calculation of the franchise tax with respect to the sale of gas.
27, com changed 36, am 335, psd 424, H conc 928, enr 972 (Chapter 263)
- SB 757-FN-A**, relative to an education tax credit against the business profits tax. (W. King, Dist 2: Education)
New title: requiring the house ways and means committee to study the state's tax credit incentives.
27, am & Finance 267-268, am 454-455, psd 479, conc H am 877, enr 1023 (Chapter 297)
- SB 758-FN**, relative to a civil filing fee surcharge for civil legal assistance to low-income persons. (McLane, Dist 15 et al: Judiciary)
First new title: relative to civil legal assistance to low-income persons and making an appropriation therefor.
Second new title: relative to a civil filing fee surcharge for civil legal assistance to low-income persons.
27, am (RC) 280-281, psd 299, nonconc H am, conf 937, 963, rep adop 1020, 1042-1043, enr 1067, veto sustained (RC) 1101-1105
- SB 759-FN-A**, relative to child support and making an appropriation therefor. (Hollingworth, Dist 23 et al: Public Institutions, Health and Human Services)
28, am & Finance 291-292, psd 455, 479, conc H am 880, enr 970 (Chapter 244)
- SB 760-FN-A-LOCAL**, establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees. (Lamirande, Dist 1: Finance Executive Committee)
New title: establishing a revolving fund in the department of revenue administration for the education and training of municipal officers and employees and relative to the recognition of tax anticipation notes for the purpose of setting property tax rates.
28, psd 436, 479, conc H am 792, enr am 1030, enr 1067 (Chapter 337)

- SB 761-A**, relative to rehabilitating the rail lines of class III railroads and making an appropriation therefor. (MacDonald, Dist 3: Transportation)
New title: relative to rehabilitating the rail lines of class III railroads and state-owned rail lines and making an appropriation therefor.
 28, Finance 103, am 442-443, psd 479, nonconc H am, conf 917-918, rep adop 1020, 1043-1045, enr 1065 (Chapter 338)
- SB 762-FN**, relative to restricting steel strapping sales. (MacDonald, Dist 3 et al: Environment)
 28, K 134-135
- SB 763**, establishing a commission on national and community service. (Shaheen, Dist 21; J. King, Dist 18: Public Affairs)
First new title: establishing an executive board for community service.
Second new title: establishing an executive board for national and community service.
 28, am 331-333, psd 424, conc H am 794, recon notice 831, recon, nonconc H am, con 869-870, 963, rep adop 1020, 1045-1046, enr am 1073, enr 1091 (Chapter 407)
- SB 764-FN**, requiring the department of transportation to reconstruct and to maintain, from November 1 to April 1, a portion of the Tri-Cothic Road in the town of Ellsworth. (W King, Dist 2: Transportation)
New title: requiring the department of transportation to maintain and plow an additional one-mile stretch of Tri-Cothic Road in the town of Ellsworth.
 28, am 334, psd 424, H nonconc 571
- SB 765-FN-LOCAL**, relative to private utility companies and the payment of highway relocation costs. (Baldizar, Dist 12 et al: Transportation)
 28, Study 334
- SB 766-A**, making a capital appropriation to the department of transportation for the installation of sidewalks on U.S. Route 3 in Weirs Beach. (Fraser, Dist 4: Transportation)
New title: making an appropriation to the department of transportation for the construction of sidewalks in the Weirs Beach area.
 28, Finance 210, am 443-444, psd 479, H nonconc 571
- SB 767-FN**, relative to mental illness coverage under insurance policies. (Shaheen, Dist 2: et al: Insurance)
 28, am & Finance 325, psd 455, 479, H conc 928, enr 1022 (Chapter 298)
- SB 768-FN**, relative to the utilization of electricity and natural gas for the generation of power to propel motor vehicles or mechanical contrivances on or over the ways (Hollingworth, Dist 23 et al: Environment)
 28, am 66-67, psd 126, conc H am 794, enr 1021 (Chapter 299)
- SB 769-FN**, dividing any budget surplus between the revenue stabilization reserve account and state aid to education. (W. King, Dist 2: Education)
 28, Finance (RC) 268-272, psd (RC) 437-439, 479, H nonconc 570
- SB 770-FN**, relative to eligibility requirements for persons receiving public assistance (Lamirande, Dist 1: Public Institutions, Health and Human Services)
 28, K 192
- SB 771-FN-A**, relative to an implementation plan for additional training of police, prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases and making an appropriation therefor. (Hollingworth, Dist 23 et al: Judiciary)
First new title: relative to an implementation plan for additional training of police prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases.
Second new title: relative to an implementation plan for additional training of police prosecutors, and correctional personnel in the prevention, investigation, and prosecution of sexual assault cases and making an appropriation therefor.
 28-29, am & Finance 140, am 455-456, psd 479, conc H am 877, enr 1021 (Chapter 300)
- SB 772-FN**, authorizing involuntary civil commitment for certain individuals. (Barnes, Dist 17 et al: Public Institutions, Health and Human Services)
First new title: authorizing involuntary civil commitment for certain individuals and making an appropriation therefor.
Second new title: authorizing involuntary civil commitment for certain individuals and making appropriations therefor.
 29, am & Finance 192-201, am 460-462, remarks 476-477, psd 479, nonconc H am, con 963-964, rep adop 1020, 1047, enr am 1074, enr 1091 (Chapter 408)

- SB 773-FN-A**, clarifying the applicability of the real estate transfer tax. (Delahunty, Dist 22: Ways and Means)
29, am 295-296, psd 299, H Study 927
- SB 774-FN**, to increase the medicaid coverage for all children up to 18 years of age. (J. King, Dist 18; Hollingworth, Dist 23: Insurance)
First new title: to increase the medicaid coverage for all children up to 18 years of age and making an appropriation therefor.
Second new title: to increase the medicaid coverage for all pregnant women and children up to 18 years of age and making an appropriation therefor.
29, Finance 177, am 439, psd 479, conc H am 881-882, enr am 1074, enr 1091 (Chapter 409)
- SB 775-FN**, providing medicaid coverage for adults 18 to 64 years of age. (J. King, Dist 18 et al: Insurance)
New title: providing medicaid coverage for adults 18 to 64 years of age; changing the definition of disability for the purposes of eligibility for aid to the permanently and totally disabled and making an appropriation therefor.
29, Finance 177, am 439-440, psd 479, conc H am 882, enr 1022 (Chapter 301)
- SB 776**, creating a committee to determine the total cost to the state for health care for its citizens. (J. King, Dist 18: Insurance)
29, K 231
- SB 777**, establishing a committee to study a universal health care plan for New Hampshire. (J. King, Dist 18 et al: Insurance)
New title: establishing a committee to study health care issues in New Hampshire.
29, am 325-327, psd 424, H nonconc 732
- SB 778**, establishing a committee to determine whether resources are available in the university system of New Hampshire which could be used towards a goal of universal health care in New Hampshire. (J. King, Dist 18: Insurance)
29, K 231
- SB 779-FN**, revising the composition of the health services planning and review board and requiring the development of a state health plan. (Shaheen, Dist 21 et al: Public Institutions, Health and Human Services)
29, am & Finance 376-377, psd 456, 479, H Study 619
- SB 780**, expanding the membership and extending the reporting deadline for the task force coordinating resources addressing sexual assault and sexual harassment at postsecondary institutions. (Shaheen, Dist 21 et al: Education)
29, psd 272, 299, H conc 514, enr 511 (Chapter 31)
- SB 781-A**, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated. (Shaheen, Dist 21 et al: Transportation)
29, psd 103, 126, H nonconc 732
- SB 782-FN**, relative to workplace safety under the workers' compensation law. (Shaheen, Dist 21; Hollingworth, Dist 23: Insurance)
29, K 231
- SB 783-LOCAL**, requiring bond issues to be placed on the official ballot. (Roberge, Dist 9 et al: Executive Departments and Administration)
29, LT 315-318, K (RC) 359-368
- SB 784**, establishing a committee to study alternatives to the secure detention of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B. (J. King, Dist 18 et al: Judiciary)
New title: establishing a committee to study alternatives to the secure commitment of both male and female juveniles adjudicated delinquent pursuant to RSA 169-B.
30, am 243-244, psd 250, H nonconc 571
- SB 785**, establishing a committee to review the current procedures of the central registry in the department of health and human services. (J. King, Dist 18: Public Institutions, Health and Human Services)
30, psd 102, 126, H conc 515, enr 513 (Chapter 32)
- SB 786-FN-LOCAL**, allowing manufacturers and dealers to sell certain motor vehicles in New Hampshire. (Hollingworth, Dist 23 et al: Environment)
30, am 228, psd 250, conc H am 516, enr 567 (Chapter 33)
- SB 787-FN-A**, relative to dental coverage for adults under the Medicaid program and making an appropriation therefor. (McLane, Dist 15 et al: Insurance)
30, Finance 177, am 440, psd 479, conc H am 882, enr 1022, veto sustained (RC) 1106-1113

- SB 788-FN-LOCAL**, relative to alternative fuel motor vehicles. (Hollingworth, Dist 23; Rep. Callaghan, Str 15: Environment)
30, am & Finance 228-230, psd 441, 479, conc H am 879, enr 1022 (Chapter 302)
- SB 789-FN-A-LOCAL**, establishing a health care authority and making an appropriation therefor and imposing a surtax on health care insurers. (Hollingworth, Dist 23 et al: Public Institutions, Health and Human Services)
New title: establishing a health care authority.
30, am (RC) & Finance 377-397, am (RC) 473-476, psd 479, H Study 569
- SB 790**, relative to small power producers. (Hough, Dist 5 et al: Economic Development)
New title: relative to small power producers and establishing a legislative oversight committee to monitor and assess renegotiations between small power producers and Public Service Company of New Hampshire.
30, am 344-349, psd 424, conc H am 733, enr 1067 (Chapter 362)
- SB 791-FN-A**, to facilitate cooperative agreements among New Hampshire hospitals and making an appropriation therefor. (Hough, Dist 5: Public Institutions, Health and Human Services)
First new title: establishing a committee to study the issue of health care provider cooperative and collaborative agreements in New Hampshire.
Second new title: making certain appropriations to the department of health and human services.
Third new title: making certain appropriations to the department of health and human services, establishing a committee to study the feasibility of creating health care provider cooperative agreements, and establishing the New Hampshire health care reform coordinating committee.
30, LT 155-156, am 420-422, psd 424, nonconc H am, conf 938, 965, rep adop 1020, 1047-1054, enr am 1074-1075, enr 1090 (Chapter 410)
- SB 792-A**, relative to the Pease International Tradeport and increasing the bonding authority of the Pease development authority. (Hough, Dist 5: Finance Executive Committee)
First new title: relative to the Pease International Tradeport, increasing the bonding authority of the Pease development authority, and making an appropriation to the Pease International Tradeport.
Second new title: relative to the Pease development authority, authorizing new bonding authority for the Pease development authority, authorizing certain loans to be made to the authority for use in matching grants, relative to the budget of the Pease development authority, and increasing an appropriation for Skyhaven airport.
30, am 456-457, psd 479, nonconc H am, conf 734, 927-928, rep adop 1020, 1054-1055 enr 1065 (Chapter 339)
- SB 793-A**, relative to the Pease development authority and making an appropriation therefor (Hough, Dist 5: Finance Executive Committee)
First new title: authorizing loans to be made to the Pease development authority and establishing a committee to study establishing an entertainment complex at Pease International Tradeport and at other possible sites and making an appropriation therefor
Second new title: authorizing loans to be made to the Pease development authority and establishing a committee to study the feasibility of establishing a theme park convention center, and casino at certain sites and making an appropriation therefor.
30, psd 137, 159, nonconc H am, conf 733, 927, rep adop 1020, 1056, enr am 1075, enr 1090 (Chapter 415)
- SB 794-A**, making a capital appropriation for highway transportation infrastructure. (Hough Dist 5: Transportation)
New title: transferring highway funds from the municipal bridge aid program to the highway aid bridge betterment program and making an appropriation to the highway surplus account and the highway and bridge betterment account.
30, Finance 103-104, psd (RC) 463-466, 479, nonconc H am, conf 917, rep adop 1020 1057, enr 1065 (Chapter 340)
- SB 795-FN-A-LOCAL**, allocating and continually appropriating a percentage of the gas tax for maintenance of scenic roads. (W. King, Dist 2: Finance Executive Committee)
30, Study 137
- SB 796**, allowing the state board of education to solicit funds to implement character and citizenship education. (J. King, Dist 18; MacDonald, Dist 3: Education)
31, psd 272, 299, H nonconc 926
- SB 797**, requiring the judiciary to purchase recycled paper products and repealing the ability of state agencies to be exempt from the purchase of recycled paper products. (Russman. Dist 19 et al: Environment)
New title: repealing the ability of state agencies to be exempt from the purchase of recycled paper products.
31, am 230, psd 250, H nonconc 570

- SB 798**, increasing the exemption amount from attachment and execution for certain personal property. (J. King, Dist 18: Judiciary)
31, psd 281, 299, H conc 515, enr 511 (Chapter 34)
- SB 799**, eliminating straight ticket voting on the ballot. (J. King, Dist 18; Hollingworth, Dist 23: Public Affairs)
31, LT 368, psd (RC) 371-374, H rej intro 516
- SB 800-FN**, relative to the child protection act. (Shaheen, Dist 21 et al: Judiciary)
31, am (RC) 244-247, psd 250, conc H am 737, enr am 1075, enr 1091 (Chapter 411)
- SB 801-A**, making an appropriation to the department of transportation equipment inventory fund. (Shaheen, Dist 21 et al: Transportation)
New title: increasing the department of transportation's authority to obtain certain bonds from 5-year bonds to 10-year bonds.
31, am & Finance 104, psd 444, 479, H conc 568, enr 618 (Chapter 92)
- SB 802**, relative to real estate appraisers. (Shaheen, Dist 21 et al: Executive Departments and Administration)
31, LT 277, am 405-406, psd 424, H conc 738, enr 968 (Chapter 215)
- SB 803**, relative to land surveyor licensing examinations and examination fees. (Baldizar, Dist 12: Executive Departments and Administration)
New title: relative to land surveyor licensing examinations.
31, am 277, psd 299, conc H am 661-662, enr 783 (Chapter 148)
- SB 804**, relative to property taxes for condominium units paid through condominium associations. (Pignatelli, Dist 13; Rep. Ham, Graf 4: Executive Departments and Administration)
New title: establishing a committee to study delinquent property taxes owed by condominium unit owners.
31, am 88-89, psd 126, H Study 732
- SB 805**, reorganizing and making further amendments to the administrative procedure act. (Hollingworth, Dist 23 et al: Executive Departments and Administration)
31, am 313-315, psd 424, conc H am 795, enr am 1075-1077, enr 1091 (Chapter 412)
- SB 806**, relative to a capital appropriation for repair and restoration of the state house. (Hough, Dist 5: Capital Budget)
rules suspended & intro 113, psd 444, 479, nonconc H am, conf 937, 964, rep adop 1020, 1057-1058, enr 1067 (Chapter 341)
- SB 807-FN-Local**, allowing the establishment of the Capital Wellness Center, Inc. (Hough, Dist 5; McLane, Dist 15: Public Institutions, Health and Human Services)
rules suspended & intro 113, Econ Dev 292, am 342-343, psd 424, H conc 568, enr 617, nonconc H am, conf 937, 964, rep adop 1020, 1058, enr 1066 (Chapter 342)
- SB 808-Local**, prohibiting cooperative school districts from making changes to their capital outlay and operational funding formulas from July 1, 1994 to July 1, 1997. (Hough, Dist 5; Rep. Kidder, Mer 2: Education)
rules suspended & intro 113, Study 353-355
- SB 809**, relative to enacting zoning ordinances in the Mountain Lakes District. (W. King, Dist 2 et al)
rules suspended, intro, & psd 972-973, H conc 1019, enr 1065 (Chapter 363)
- SB 810**, legalizing the Hanover school district special meeting held June 8 and 9, 1994. (Hough, Dist 5 et al)
rules suspended, intro, & psd 1093-1094, H conc 1113, enr 1114 (Chapter 416)

SENATE JOINT RESOLUTION

- SJR 1**, proclaiming 1993-1994 as university of New Hampshire year. (Shaheen, Dist 21 et al: Education)
31, am 343, psd 424, H conc 569, enr 618 (Chapter 93)

SENATE CONCURRENT RESOLUTION

- SCR 10**, to request Congress to allow all states to restrict the export of timber. (Currier, Dist 7 et al: Environment)
New title: to request Congress to allow all states east of the 100th meridian to regulate the export of unprocessed logs.
31, am 135-136, adop 159, H conc 738

SENATE RESOLUTIONS

- SR 1**, Adopting Senate rules for the 1994 Session.
intro & am 222, am 422
- SR 2**, requesting an opinion of the justices on the constitutionality of SB 661. (Podles, Dist 16)
intro & adop 404, (opin printed 138 N.H. 445)

HOUSE BILLS

1993 BILLS REREFERRED TO COMMITTEE

- HB 106**, removing the requirement that the state vaccinate bovines against brucellosis. (Wildlife and Recreation)
am 156-157, psd 159, H conc 569, enr 618 (Chapter 68)
- HB 123**, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values. (Transportation)
216, psd 505, 509, enr 512 (Chapter 35)
- HB 127-FN**, relative to private lease of state railroad real estate. (Transportation)
216, psd 537-538, 564, enr 618 (Chapter 69)
- HB 134**, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and repealing the law governing the sale of wood. (Environment)
216, psd 520, 564, enr 652 (Chapter 100)
- HB 161-FN-A**, increasing the membership of the adult parole board. (Executive Departments and Administration)
217, am & Finance 670-671, LT 831, psd 856-860, recon & psd 918-919, 929, H conc 966, enr 1067 (Chapter 305)
- HB 167**, clarifying circumstances under which a person is justified in using deadly force. (Judiciary)
K 177-178
- HB 178-FN**, relative to the board of examiners of psychology and mental health practice and transferring certain appropriations to the department of justice for consumer protection investigators. (Executive Departments and Administration)
217, com changed 297, am & Finance 691-692, am 831-833, psd 929, H conc 966, enr 1067 (Chapter 306)
- HB 190-FN**, giving the department of resources and economic development and the department of transportation joint stewardship over certain abandoned rail lines and splitting the lease revenues for certain rail properties between the 2 departments. (Transportation)
217, am (RC) recon, & Finance 718-724, am 901-903, psd 929, H nonconc, conf 954-955, K 1016
- HB 195-FN**, relative to the sale of cider. (Public Affairs)
217, psd 488, 509, enr 511 (Chapter 14)
- HB 210**, limiting the use of off highway recreational vehicles near occupied residences. (Wildlife and Recreation)
New title: limiting the operation of closed-course competition OHRV's.
217, am 540, psd 564, H conc 655, enr 784 (Chapter 124)
- HB 239-LOCAL**, granting municipalities an option for quarterly billing and collection of property taxes. (Public Affairs)
217, K 578
- HB 257-FN**, establishing a transportation fund to fund transportation infrastructure which cannot be funded with highway fund moneys. (Transportation)
217, am 693-694, recon & Finance 713-714, rules suspended & K 901
- HB 260-FN-A**, establishing a used oil collection program, an automobile oil fee to fund such program and appropriation to the department of environmental services. (Environment)
New title: establishing a used oil collection program and an automobile oil fee to fund such program, and making a supplemental appropriation to the department of environmental services.
480, Finance 741, psd 833, 929, enr am 1077-1078, enr 1088 (Chapter 364)
- HB 267**, correcting a reference in the stalking law. (Judiciary)
217, psd 486, 509, enr am 613, enr 714 (Chapter 101)

- HB 279**, prohibiting certain household cleansing products containing phosphates. (Environment)
217, am 742, psd 785, H conc 966, enr 1022 (Chapter 303)
- HB 280**, relative to zoning requirements for family day care homes. (Public Affairs)
LT 50-51, am 116-124, psd 124, H nonconc, conf 933-934, K 1016
- HB 288**, relative to teacher representation on the New Hampshire retirement system board of trustees. (Education)
am 39-41, psd 59, H nonconc, conf 127, K 1016
- HB 308**, establishing a joint house and senate committee to study the feasibility of allowing a school district the option to vote on whether to belong to an SAU. (Education)
217, psd 486, 510, enr 512 (Chapter 15)
- HB 317**, establishing a grant program for closure of unlined solid waste landfills. (Environment)
217, Finance 742, am 903, psd 929, H nonconc, conf 952-953, rep adop 973, 1059, enr 1066 (Chapter 307)
- HB 325**, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates. (Public Affairs)
217, psd 532, 565, enr 714 (Chapter 102)
- HB 341**, relative to a small employer insurance availability act and standardized medical benefits forms. (Insurance)
K 43
- HB 370**, establishing a local government advisory committee. (Executive Departments and Administration)
217, psd 523, 565, enr 714 (Chapter 103)
- HB 377**, allowing persons 21 years of age or older to transport partially consumed bottles of table wine purchased with full course meals from on-sale licensed establishments. (Transportation)
300, psd 644-646, 652, enr 782 (Chapter 125)
- HB 382**, changing the annual rate of interest on judgments and business transactions. (Banks)
K (RC) 161-163
- HB 386**, establishing a committee to study the district court system. (Judiciary)
K 47
- HB 387**, relative to the use of gender neutral language in New Hampshire. (Executive Departments and Administration)
217, psd 523, 565, enr 714 (Chapter 104)
- HB 388**, relative to disclosures by the seller of real property. (Executive Departments and Administration)
217, psd 523, 565, enr 652 (Chapter 105)
- HB 389**, relative to the disclosure of certain historical information regarding property. (Executive Departments and Administration)
217, com changed 297, LT 488-490, am 781, psd 785, H nonconc, conf 944-945, rep rej, new conf 973-975, 1019, rep adop 1062, enr am 1078, enr 1088 (Chapter 365)
- HB 404**, relative to the prohibited coercion of employees to make political contributions. (Judiciary)
217, am 527, psd 565, H conc 569, enr am 796, enr 969 (Chapter 216)
- HB 410-LOCAL**, relative to the appointment of a deputy town treasurer and the swearing in of town officers. (Executive Departments and Administration)
217, psd 523, 565, enr 653 (Chapter 70)
- HB 411-FN-LOCAL**, relative to the hours of polling in cities and towns. (Executive Departments and Administration)
217, psd 523, 565, enr 714 (Chapter 106)
- HB 414-FN-LOCAL**, providing a 3.5 percent cost of living adjustment for permanent firemen members of the retirement system. (Insurance)
217, am & Finance 486, psd 843-844, 929, H conc 966, enr 1067 (Chapter 308)
- HB 438-FN**, requiring criminal history record checks for sales of handguns by dealers using a toll-free telephone number. (Judiciary)
First new title: requiring criminal history record and protective order checks for sales of handguns by dealers using a premium telephone service.

Second new title: requiring criminal history record and protective order checks for sales of handguns by dealers using a premium telephone service and making an appropriation therefor.

218, am & Finance 821-825, am 903-907, psd 929, H conc 966, enr am 1078, enr 1088 (Chapter 391)

HB 439, relative to the profession of engineering. (Executive Departments and Administration)

218, am 817-820, recon notice & psd 830, recon & am 870-872, psd 929, H nonconc, conf 959-960, rep adop 975, H rej rep, new conf rej 1017

HB 449, relative to listing candidates on general election ballots. (Public Affairs)

218, LT 490, psd (2 RC's) 502-505, 510, enr 511 (Chapter 309)

HB 451-FN, regulating naturopathic health care practice. (Public Institutions, Health and Human Services)

New title: requiring doctors of naturopathic medicine to be licensed by the naturopathic board of examiners, and regulating naturopathic health care practice. (Corrected title).

218, am (RC) 551-556, psd 565, H nonconc, conf 940, rep adop 976-984, 1059, enr am 1078-1079, enr 1088 (Chapter 392)

HB 458-FN-LOCAL, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily without a good cause. (Public Institutions, Health and Human Services)

218, am (RC) 763-771, psd 785, H nonconc 965

HB 459-FN-A, establishing a program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. (Public Institutions, Health and Human Services)

218, Finance 533, psd 833-834, 929, enr 968 (Chapter 182)

HB 510, relative to certification of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions. (Executive Departments and Administration)

New Title: relative to certificate of election blanks and write-in votes.

am 67-68, psd 125, H conc 428, enr am 1079, enr 1088 (Chapter 366)

HB 514, amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees. (Executive Departments and Administration)

New title: amending the election laws relative to the political calendar and election ballots.

am 68-73, psd 125, H conc 428, enr 476 (Chapter 4)

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. (Executive Departments and Administration)

LT 74, psd (RC) 591-595, 614, enr am 1028-1029, enr 1065, H sustained veto 1113

HB 541, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections. (Executive departments and Administration)

am 74, psd 125, H conc 428, enr 512 (Chapter 8)

HB 576-FN-A, relative to the taxation of meals. (Ways and Means)

New title: allowing Rockingham Park to avoid increased tax rates for 1995, 1996 and 1997 to repay the state for contributions to the purse fund by making a lump sum payment to the state.

218, am 457-460, psd 477, H conc 514, enr 512 (Chapter 5)

HB 583, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts with certain nonprofit contractors. (Insurance)

218, psd 755, 786, enr 967 (Chapter 183)

HB 591-FN-LOCAL, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card. (Banks)

psd 38, 59, enr 60 (Chapter 2)

HB 599-FN-LOCAL, establishing a committee to study the development and implementation of charter schools and relative to the duties of the board of education regarding change of school assignment. (Education)

218, am 572, psd 614, H conc 655, enr 783 (Chapter 126)

HB 610-FN, requiring joint registration for primary craft and their tender. (Wildlife and Recreation)

218, psd 541, 565, enr 571 (Chapter 38)

- HB 622-FN**, relative to solid waste management districts. (Economic Development)
480, am & Finance 516-519, am 844, psd 929, H conc 966, enr am 1079, enr 1088 (Chapter 367)
- HB 624-FN**, creating a unit within the department of environmental services to certify certain scientists. (Executive departments and Administration)
am & Finance 78-87, rules suspended & am 160-161, psd 216, H nonconc 928
- HB 628-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Transportation)
218, am 585, psd 614, H nonconc, conf req rej 880, recon & conf 932-933, rep rej 1023-1024
- HB 630-FN**, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers. (Public Affairs)
218, psd 490, 510, enr 512 (Chapter 9)
- HB 634**, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists. (Public Affairs)
218, LT 491, am (RC) 909-914, psd 929, H nonconc 965
- HB 635-FN**, relative to social security cost-of-living increases to residents of residential care facilities and community residences and establishing a committee to study the rate structure of residential care facilities. (Public Institutions, Health and Human Services)
300, am 584-585, psd 614, H conc 656, enr 782 (Chapter 127)
- HB 639-FN-A**, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. (Executive Departments and Administration)
480, am & Finance 671-673, psd 834, 929, H nonconc, conf 949-950, rep adop 984-986, 1059, enr am 1079, enr 1088 (Chapter 368)
- HB 652-FN**, relative to state fee reform. (Ways and Means)
218, am 852-853, psd 929, H conc 966, enr am 1079-1080, enr 1088, H sustained veto 1113
- HB 656-FN**, to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. (Insurance)
New title: to extend medical benefits to group II permanent policemen members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991, and relative to extending medical benefits to persons who retire on a split-benefit retirement allowance with at least 10 years of service as a group II member.
300, am & Finance 541-542, am 844-846, psd 929, H nonconc, conf 958-959, rep adop 986, 1060, enr 1066 (Chapter 310)
- HB 660-FN**, relative to drug forfeiture. (Judiciary)
218, psd 679, 714, enr am 1029, enr 1067 (Chapter 343)
- HB 661-FN-A**, relative to the highway and bridge betterment program. (Transportation)
New title: relative to the highway and bridge betterment program and establishing a committee to examine the problems of an inadequate railroad overpass on NH 135 over the John's River in Dalton, New Hampshire.
218, am 505-506, psd 510, H nonconc, conf 787, rep adop 987, 1060, enr 1066 (Chapter 311)
- HB 677**, relative to the term of office for certain commissioners, deputy commissioners, and assistant commissioners of state departments. (Executive Departments and Administration)
218, K 673
- HB 686**, relative to legislative review of proposed administrative rules. (Executive Departments and Administration)
218, psd 573, 614, enr 653 (Chapter 97)

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- HB 1010-LOCAL**, relative to a 10-year transportation plan. (Capital Budget)
intro & rules suspended 731, am 861, psd 929, H conc 966, enr 1068 (Chapter 344)
- HB 1050-FN**, establishing the health care transition fund, making certain appropriations, and clarifying the procedure relative to the uncompensated care administration fund. (Finance Executive)
514, psd 679, 714, enr 796 (Chapter 122)

- HB 1100**, relative to the importation, possession and breeding of wild hybrid canines in the state of New Hampshire and establishing a committee to study wild hybrid canines. (Wildlife and Recreation)
New title: relative to the importation, possession and sale of wolf hybrids and establishing a study committee on wolf hybrids.
480, am 771-773, psd 786, recon notice 787, recon & am 872-873, psd 929, H conc 966, enr 1020 (Chapter 265)
- HB 1101**, relative to the collection of protested checks by the department of safety. (Executive Departments and Administration)
New title: relative to the collection of protested checks by the department of safety and relative to an outside lease for the electricians board.
218, am 574, psd 614, H conc 926, enr 968 (Chapter 184)
- HB 1103**, redefining the term "camp" for boys and girls. (Wildlife and Recreation)
218, psd 507-508, 510, enr 511 (Chapter 16)
- HB 1104**, making a person who knowingly causes the death of a judicial officer guilty of capital murder. (Judiciary)
425, psd 679, 714, enr 868 (Chapter 128)
- HB 1105**, limiting the suspension of sentences. (Judiciary)
425, psd 679, 714, enr 783 (Chapter 129)
- HB 1106**, making a person, who purposely engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault. (Judiciary)
New title: making a person, who engages in a pattern of sexual assault against a person less than 16 years of age, guilty of aggravated felonious sexual assault.
480, am 679-680, psd 714, H conc 731, enr 968 (Chapter 185)
- HB 1107**, making crack cocaine subject to greater penalties under the controlled drug act. (Judiciary)
New title: making crack cocaine subject to greater penalties under the controlled drug act and prohibiting the operation of methadone maintenance programs.
480, am 680, psd 714, H conc 731, enr 967 (Chapter 186)
- HB 1108**, relative to the appointment of members to the northeast interstate dairy compact commission and relative to the certification of milk laboratories. (Executive Departments and Administration)
425, am 574-575, psd 614, H conc 731, enr 969 (Chapter 219)
- HB 1109**, relative to dual enrollment. (Education)
219, psd 668, 714, enr 783 (Chapter 130)
- HB 1110**, relative to the license waiver period for speech and language pathologists, and repealing the sunset review of the administrative attachment of the board of marital mediators. (Executive Departments and Administration)
480, psd 575, 614, enr 652 (Chapter 107)
- HB 1111**, permitting one-day family fishing licenses upon payment of a certain fee. (Wildlife and Recreation)
481, psd 647, 652, enr 868 (Chapter 131)
- HB 1112**, permitting the executive director of fish and game to purchase merchandise for resale and necessary operating supplies and materials. (Wildlife and Recreation)
219, psd 773-774, 786, enr 971 (Chapter 246)
- HB 1113**, relative to claims filed under RSA 541-B against both the state and an agent of the state. (Judiciary)
219, psd 577, 615, enr 653 (Chapter 52)
- HB 1114**, relative to child support enforcement orders. (Judiciary)
219, am 487, psd 510, H conc 569, enr 617 (Chapter 94)
- HB 1115**, relative to violations of RSA 205-A. (Public Affairs)
481, psd 578, 615, enr 784 (Chapter 132)
- HB 1116**, relative to the release of health care data. (Public Institutions, Health and Human Services)
219, psd 692, 715, enr 783 (Chapter 133)
- HB 1117**, relative to new motor vehicle arbitration. (Transportation)
300, psd 538, 565, enr am 796, enr 969 (Chapter 220)
- HB 1118**, eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glenclyff home for the elderly be determined in accordance with the Administrative procedure act. (Public Institutions, Health and Human Services)

New title: eliminating the requirement that the annual cost per patient rate for patients at the New Hampshire hospital or Glenclyff home for the elderly be determined in accordance with the administrative procedure act and relative to persons with head injuries.

219, Finance 501, am 834, psd 929, H conc 966, enr 971 (Chapter 247)

HB 1119, authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus. (Public Institutions, Health and Human Services)

New title: authorizing the expenditure of funds already appropriated for the relocation of the day care center on the New Hampshire hospital campus, and relative to certain technical changes in the mental health laws.

219, am 534-535, psd 565, H conc 731, enr 971 (Chapter 248)

HB 1120-LOCAL, making procedural and housekeeping changes regarding the board of tax and land appeals. (Executive Departments and Administration)

First new title: making procedural and housekeeping changes regarding the board of tax and land appeals and relative to the jurisdiction of the board.

Second new title: making procedural and housekeeping changes regarding the board of tax and land appeals.

219, am 673-674, psd 715, H nonconc, conf 934, rep adop 988, 1060, enr am 1080, enr 1088 (Chapter 393)

HB 1121, repealing the standardbred breeders and owners development agency. (Executive Departments and Administration)

425, psd 575, 615, enr 652 (Chapter 108)

HB 1124, extending the maximum time to exercise the option for jury or non-jury trial under the pilot program eliminating trial de novo in misdemeanor cases in Rockingham county. (Judiciary)

425, psd 527-528, 565, enr 617 (Chapter 53)

HB 1133, allowing organization members' spouses to assist at bingo games. (Executive Departments and Administration)

219, com changed 297, LT 507, psd 780-781, 786, enr 969 (Chapter 221)

HB 1134, increasing the penalty for criminal threatening and reckless conduct with a deadly weapon. (Judiciary)

481, psd 680-681, 715, enr 967 (Chapter 187)

HB 1135, relative to a judicial council study of family matters within the state court system. (Judiciary)

New title: relative to a study committee of resolution of family issues within the state court system.

intro & rules suspended 731, am 825-826, psd 830, H nonconc, conf 957-958, rep adop 988-989, 1060, enr am 1080, enr 1088 (Chapter 413)

HB 1136, repealing the requirement that hunters expose the carcass of deer. (Wildlife and Recreation)

219, psd 508, 510, enr 512 (Chapter 10)

HB 1141-FN-A, eliminating cigarette stamps. (Ways and Means)

219, K 771

HB 1142-FN, relative to lenders regulated by the banking department and relative to consumer credit transactions. (Banks)

481, rules suspended & am 813-817, psd 830, H nonconc, conf 956-957, K 1016

HB 1143, increasing the penalties for illegal clamming. (Wildlife and Recreation)

481, psd 647, 652, enr am 797, enr 969 (Chapter 217)

HB 1144-FN, permitting the executive director of fish and game to issue a special deer license to allow the taking of one additional deer and relative to the license fee. (Wildlife and Recreation)

New title: permitting the executive director of fish and game to issue a special deer permit to allow the taking of one additional deer and relative to the permit fee.

219, am (RC) 774-778, psd 786, H nonconc, conf 942, rep adop 989, 1060, enr am 1080, enr 1088 (Chapter 369)

HB 1147-FN, relative to parental liability for support of dependent children on public assistance. (Judiciary)

219, am 528, psd 565, H conc 656, enr 967 (Chapter 188)

HB 1151, prohibiting the use of certain motorized craft on Spoonwood Pond in the town of Nelson. (Environment)

219, psd 520, 565, enr 571 (Chapter 39)

- HB 1153-FN**, adopting the revised Uniform Enforcement of Foreign Judgments Act. (Judiciary)
219, am & Finance 487, psd 834-835, 929, H conc 966, enr 1022 (Chapter 266)
- HB 1154**, establishing a committee to study the feasibility of establishing a separate arbitration board for recreational vehicle defects. (Wildlife and Recreation)
425, psd 541, 565, enr 714 (Chapter 109)
- HB 1155**, establishing a committee to study the economic feasibility of the sale of state signs, special state license plates, and other related state items. (Ways and Means)
481, K 588
- HB 1157**, extending the time for a motion for rehearing under RSA 541. (Judiciary)
219, psd 528, 565, enr 653 (Chapter 54)
- HB 1158**, relative to the state's policy regarding the review and assessment of new health services. (Insurance)
New title: relative to the state's policy regarding the review and assessment of new health services and relative to the membership of the health services planning and review board.
219, am 820-821, psd 830, H conc 966, enr 1067 (Chapter 345)
- HB 1159**, requiring manufactured housing park owners to compensate residents for relocation costs due to change in land use of the park. (Public Affairs)
481, Study 578
- HB 1161**, relative to the authority of the state to regulate political advertising which is broadcast. (Public Affairs)
425, K 686
- HB 1164**, requiring a hearing and determination of dangerousness before a person found incompetent to stand trial may be ordered to remain in custody. (Judiciary)
219, psd 528, 565, enr 617 (Chapter 55)
- HB 1165-LOCAL**, repealing requirements for a census of disabled students, and providing for additional special education reimbursement for certain pupils. (Education)
481, psd 668, 715, enr 783 (Chapter 134)
- HB 1171**, relative to the qualifications for the position of administrator of the subsurface systems bureau, division of water supply and pollution control, department of environmental services. (Environment)
New title: relative to requirements for submission of plans for sewage or waste disposal systems.
425, am 520-521, psd 565, H nonconc, conf 734, rep adop 990, 1060, enr 1066 (Chapter 312)
- HB 1173**, prohibiting a right turn on red when a walk signal is on. (Transportation)
481, Study 538, recon & rcmt 558, psd 695, 715, enr 783 (Chapter 135)
- HB 1174-LOCAL**, allowing the selectmen, under certain circumstances, to manage town real property. (Public Affairs)
300, psd 491, 510, enr 511 (Chapter 17)
- HB 1175**, relative to self-defense as a proper purpose for issuance of a license to carry a pistol or revolver and relative to the scope of the license. (Judiciary)
219, K 760
- HB 1176-FN**, requiring a writ of habeas corpus to be filed in the superior court of the county in which the person is incarcerated. (Judiciary)
219, psd 528, 565, enr 617 (Chapter 56)
- HB 1177**, establishing an advisory committee on child care. (Public Institutions, Health and Human Services)
481, psd 644, 652, enr 868 (Chapter 180)
- HB 1179**, relative to the information required in agency requests for appropriations during the budget preparation process. (Finance Executive)
220, psd 835, 930, enr 968 (Chapter 189)
- HB 1180**, modifying the arson statutes to include historic structures and increasing the penalty. (Judiciary)
425, am 760, psd 786, H nonconc, conf 878, rep adop 990-991, 1060, enr 1066 (Chapter 346)
- HB 1183-FN-LOCAL**, providing a retirement allowance for teachers retired prior to July 1, 1957, and relative to the time for granting cost of living increases for retirement system members. (Finance Executive)
514, psd 846, 930, enr 969 (Chapter 222)

- HB 1184-FN-LOCAL**, establishing a committee to study the foreign exchange student programs in New Hampshire. (Education)
300, psd 519-520, 565, enr 652 (Chapter 110)
- HB 1185-FN**, relative to fees charged for the registration of private pesticide applicators. (Environment)
481, am 802-803, psd 830, recon notice 831, recon rej 869, H nonconc, conf 958, rep adop 991, 1060, enr 1065 (Chapter 313)
- HB 1186**, making a breach of confidentiality a violation of oath of office for town officers. (Executive Departments and Administration)
300, am 674-675, psd 715, H conc 731, enr 971 (Chapter 249)
- HB 1187**, relative to the signature of manufactured housing park owners on deeds and the fee for such signature. (Banks)
New title: relative to the signature of manufactured housing park owners on deeds and the fee for such signature and relative to land fee increases in manufactured housing parks.
300, am 799-800, recon notice 811, psd 830, recon rej 873, H nonconc, conf 950, 970, rep adop 1024-1025, enr 1065 (Chapter 314)
- HB 1188**, increasing the penalty for killing a police dog or police horse. (Judiciary)
220, psd 529, 565, enr 652 (Chapter 111)
- HB 1189**, relative to emissions testing and establishing a committee to examine the Clean Air Act Amendments of 1990 and implementation of the Act. (Environment)
481, psd 521, 565, enr 617 (Chapter 98)
- HB 1190**, authorizing the state to notify the victim of a sexual assault of the perpetrator's test results for HIV virus. (Public Institutions, Health and Human Services)
220, psd 501, 510, enr 513 (Chapter 18)
- HB 1191-FN**, relative to victims and victims' compensation. (Judiciary)
300, am & Finance 760-761, psd 835, 930, H conc 967, enr am 1080, enr 1088 (Chapter 394)
- HB 1193**, amending the charter of St. Mary's Bank. (Banks)
New title: amending the charter of St. Mary's Bank and relative to charter conversions by banks.
220, am 662, psd 715, H nonconc, conf 812, rep adop 991, 1060, enr 1068 (Chapter 315)
- HB 1194-FN**, relative to the board of accountancy and related professional fees. (Executive Departments and Administration)
300, am & Finance 675, psd 835, 930, H nonconc, conf 953-954, rep adop 991-992, 1060, enr 1066 (Chapter 316)
- HB 1203-FN**, making technical amendments to the banking laws. (Banks)
220, am 662, psd 715, H conc 926, enr 971 (Chapter 250)
- HB 1206**, relative to the procedure to follow when an optional elected town office is discontinued. (Public Affairs)
300, psd 491-492, 510, enr am 613, enr 714 (Chapter 112)
- HB 1207-FN**, relative to the administration of small estates. (Banks)
220, com changed 299, am 529, psd 565, H conc 656, enr 784 (Chapter 136)
- HB 1208**, creating a study committee to study the feasibility of issuing titles to all undocumented motorized vessels in New Hampshire inland and coastal waters. (Transportation)
425, psd 586, 615, enr 783 (Chapter 137)
- HB 1209-FN**, relative to administrative motor vehicle suspensions. (Transportation)
New title: relative to administrative motor vehicle license suspensions.
481, psd 724-727, 730, enr am 947, enr 1067 (Chapter 347)
- HB 1211**, relative to the authority of municipal water departments and to fee charged by such departments. (Executive Departments and Administration)
New title: relative to the authority of municipal water departments and to fees charged by such departments and relative to the Freedom Village Water Precinct.
220, am 523-524, psd 565, H conc 569, enr 652 (Chapter 95)
- HB 1212-FN**, revising the special education mediation provisions to include neutral conferences. (Education)
301, am 668, psd 715, H conc 926, enr 970 (Chapter 223)
- HB 1213-FN-A**, appropriating funds to the state commission for human rights for the purpose of hiring temporary personnel and establishing a time-frame within which decisions on complaints before the commission must be made. (Public Institutions, Health and Human Services)
220, Finance 501-502, psd 835, 930, enr 972 (Chapter 251)

- HB 1214-FN**, relative to driver safety at highway construction sites. (Transportation)
301, am & Finance 556-557, am 846-847, psd 930, H conc 967, enr 972 (Chapter 252)
- HB 1216**, allowing the exclusion of certain corporate officers and members of limited liability companies from workers' compensation coverage. (Insurance)
New title: allowing the exclusion of certain corporate officers and members and managers of limited liability companies from workers' compensation coverage.
425, am 525-526, psd 566, H conc 656, enr am 797, enr 1022 (Chapter 267)
- HB 1217-FN-LOCAL**, relative to the apportionment of cost of bridge maintenance between municipalities and relative to the carrying capacity of bridges. (Transportation)
220, Finance 506-507, am 862-864, psd 930, H nonconc, conf 950-951, rep adop 992-993, 1060, enr 1065 (Chapter 317)
- HB 1222**, requiring that recounts of certain secret ballot votes take place at the town or school district meeting. (Public Affairs)
425, psd 532, 566, enr 653 (Chapter 71)
- HB 1225**, relative to access to medical care. (Judiciary)
425, psd (RC) 698-703, 715, enr 783, H sustained veto 1114
- HB 1226**, relative to filling vacancies on the county executive committee. (Public Affairs)
481, psd 578, 615, enr 653 (Chapter 113)
- HB 1227**, allowing insurance companies, which indemnify victims, restitution for damage caused by certain criminal acts and establishing priority rights as between such victim and the indemnifying entity. (Judiciary)
425, am 681, psd 715, H conc 731, enr 967 (Chapter 190)
- HB 1228**, recodifying RSA 289, relative to cemeteries, providing for the protection of old cemeteries, and relative to the fee for a copy of a burial record. (Public Institutions, Health and Human Services)
481, am 693, psd 715, H conc 731, enr am 1029, enr 1068 (Chapter 318)
- HB 1231**, requiring the state of New Hampshire to designate an area on the police standards and training academy grounds for a law enforcement memorial and establishing a committee to oversee the design and construction of the memorial. (Public Affairs)
New title: establishing a committee to oversee the site selection, design and construction of a New Hampshire law enforcement memorial.
301, am 492-494, psd 510, H nonconc, conf 787-788, rep adop 993-994, 1060, enr am 1080, enr 1089 (Chapter 370)
- HB 1232**, prohibiting annulments for certain crimes. (Judiciary)
425, am 681, psd 715, H conc 731, enr 969 (Chapter 224)
- HB 1233**, making an employer liable for lost employee benefits and employee obligations caused by the employer's untimely payments and making a plan administrator liable for failing to meet certain employee notification requirements. (Executive Departments and Administration)
481, psd 619, 652, enr 784 (Chapter 138)
- HB 1236**, prohibiting the use of aerosol self-defense spray weapons against a law enforcement officer or in the course of committing a crime. (Judiciary)
301, psd 682, 715, enr 868 (Chapter 139)
- HB 1237**, making interference with the duty of a probation or parole officer a crime. (Judiciary)
New title: relative to probation-parole officers and making interference with the duty of a probation or parole officer a crime.
425, am 682-684, recon & Finance 684, am 847, psd 930, H nonconc, conf 951, rep adop 994-996, 1060, enr am 1081, enr 1089, H sustained veto 1113
- HB 1238**, relative to time computation for purposes of statutory construction. (Public Affairs)
426, psd 532, 566, enr am 1029, enr 1067 (Chapter 348)
- HB 1240**, permitting a person to have contact with water in a public water supply when loading or unloading a boat or rescuing a person or animal that has accidentally fallen into the water. (Environment)
426, am 744-745, psd 786, H nonconc, conf 881, K 1016
- HB 1242**, establishing a study committee to encourage the adoption of the metric system by state agencies, educational institutions and private industry in New Hampshire. (Public Affairs)
301, psd (RC) 703-704, 715, enr 783 (Chapter 140)
- HB 1244**, repealing the Uniform Photographic Copies of Business and Public Records as Evidence Act and repealing certain provisions regarding witness testimony and admissibility of evidence. (Judiciary)
426, psd 577, 615, enr 653 (Chapter 57)

- HB 1245**, requiring the sweepstakes commission to obtain legislative approval before introducing any new video or electronic games of chance. (Ways and Means)
481, am 853-855, psd 930, H nonconc, conf 952, rep adop 966, 1060 (K)
- HB 1247**, allowing a police officer to arrest a drunk driver outside such officer's jurisdiction on the property of a medical facility in certain circumstances. (Judiciary)
426, am 529-530, psd 566, H conc 656, enr 967 (Chapter 191)
- HB 1248**, requiring disclosure that a buyer's premium will be charged at certain auctions in New Hampshire. (Executive Departments and Administration)
220, psd 675, 715, enr 868 (Chapter 141)
- HB 1251**, relative to the time period during which a certifying officer may reconsider a determination regarding unemployment benefits. (Insurance)
220, psd 486, 510, enr 512 (Chapter 11)
- HB 1252**, allowing mail claims in certain instances in filing for unemployment compensation, relative to disqualification for benefits due to self-employment, and relative to eligibility requirements for benefits. (Insurance)
426, psd 526, 566, enr 617 (Chapter 72)
- HB 1254**, relative to the performance of uncompensated public service by persons convicted of crimes. (Judiciary)
481, psd 684, 715, enr 968 (Chapter 192)
- HB 1255**, making technical amendments to the limited liability company laws. (Judiciary)
220, psd 487, 510, enr 512 (Chapter 19)
- HB 1256**, allowing probate judges to accept other forms of securities in lieu of bonds from administrators of estates. (Judiciary)
220, psd 577-578, 615, enr 653 (Chapter 58)
- HB 1260-FN-LOCAL**, establishing a task force to study public education funding issues. (Finance Executive)
514, am 901, psd 930, H nonconc, conf 955-956, rep adop 996-997, 1060, enr 1066 (Chapter 349)
- HB 1262-FN**, relative to the compensation for medical, hospital, and remedial care under workers' compensation. (Insurance)
New title: relative to the compensation for medical, hospital, and remedial care under workers' compensation and relative to medical and surgical benefits for certain state employees.
426, Finance 526, am 847-848, psd 930, H conc 967, enr 1021 (Chapter 268)
- HB 1263-FN**, authorizing the public utilities commission to allow alternative forms of regulation, removing the incorporation requirement for telecommunications utilities, exempting accounting standards from certain format requirements, and expanding the commission's rulemaking authority. (Executive Departments and Administration)
426, am 675-676, psd 715, H conc 731, enr 967 (Chapter 193)
- HB 1265-FN-LOCAL**, allowing city treasurers to invest money belonging to the city in certain investment instruments. (Banks)
426, K 663
- HB 1266-FN**, requiring certain property seized by the department of fish and game to be returned if the owner reimburses the department for expenses and pays the required fine. (Wildlife and Recreation)
301, psd 696, 715, enr 868 (Chapter 142)
- HB 1268-FN-A-LOCAL**, requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3 and making an appropriation therefor. (Transportation)
First new title: requiring the department of transportation to add traffic signals and make improvements to certain portions of United States Route 3, granting a right-of-way, approving certain projects in the United States Route 3 and New Hampshire Route 11 transportation corridor study and requiring the department to study traffic alternatives for Franklin to Laconia and making an appropriation therefor.
Second new title: requiring the department of transportation to add traffic signals and make improvements to certain portions of U.S. Route 3 and making an appropriation therefor.
220, am & Finance 695, am 841-842, psd 930, H nonconc, conf 951-952, rep adop 997, 1060, enr am 1081, enr 1089 (Chapter 371)
- HB 1270-FN-LOCAL**, establishing a committee to integrate any changes in the municipal budget act into the school district laws. (Education)
481, psd 572, 615, enr 653 (Chapter 73)

- HB 1272-FN**, requiring the pari-mutuel commission to pay for certain laboratory urine tests. (Ways and Means)
481, am 539-540, psd 566, H conc 656, enr 782 (Chapter 143)
- HB 1274-FN**, establishing a committee to examine the impact of changing the name of the department of fish and game to the department of wildlife and marine resources. (Wildlife and Recreation)
301, K 557-558, recon rej 560
- HB 1278-FN-A**, making an appropriation to fund the position of state curator. (Finance Executive)
220, K 835-836
- HB 1282**, allowing coyote hunting at night. (Wildlife and Recreation)
New title: allowing coyote hunting at night and establishing a license fee for hunting coyote at night.
220, am 778, psd 786, H nonconc, conf 943, rep adop 998, 1060, enr am 1081, enr 1089 (Chapter 372)
- HB 1283**, relative to transporting loads on highways and establishing fines. (Transportation)
First new title: relative to transporting trash and scrap metal.
Second new title: relative to transporting scrap metal.
482, am 586, psd 615, H nonconc, conf 829, rep adop 998-999, 1060, enr am 1081, enr 1089 (Chapter 373)
- HB 1284**, increasing the restitution amount for illegally taking or possessing certain game. (Wildlife and Recreation)
301, psd 696, 715, enr 967 (Chapter 194)
- HB 1285-FN-LOCAL**, permitting solid waste management districts to contract with certain persons for solid waste management services. (Environment)
482, am 745, psd 786, H nonconc, conf 941, rep adop 999, 1060, enr 1066 (Chapter 319)
- HB 1288**, establishing a state advisory and oversight committee on the education of children with disabilities and in accordance with federal requirements. (Education)
482, psd 572, 615, enr 653 (Chapter 114)
- HB 1289-FN**, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program. (Executive Departments and Administration)
301, am 676-677, psd 715, H nonconc 928
- HB 1290-FN**, changing the salary of the deputy bank commissioner and replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees. (Banks)
New title: replacing the bank commissioner with the state treasurer as an ex officio voting member of the New Hampshire retirement system board of trustees.
426, rcmt 738-739, am 817, psd 830, H conc 967, enr 1020 (Chapter 269)
- HB 1292**, requiring certain disclosure during recruitment by multi-level or network marketing businesses. (Judiciary)
482, K 684
- HB 1293**, amending the charter of the Union school district of Keene. (Education)
426, psd 520, 566, enr 783 (Chapter 144)
- HB 1294**, extending the termination date of the lifesaver i.d. pilot program. (Transportation)
301, psd 507, 510, enr 511 (Chapter 20)
- HB 1300-FN-A**, requiring the state to pay certain costs of employing superior court bailiffs and establishing a committee to study the use of per diem compensation. (Judiciary)
426, Finance 530, psd 836, 930, enr 1021 (Chapter 270)
- HB 1304**, relative to licensure of humane societies without animal shelters. (Wildlife and Recreation)
301, K 541
- HB 1309**, prohibiting insurance companies from mandating that automobile repairs be made at specific repair shops. (Insurance)
New title: prohibiting insurance companies from mandating that automobile glass repairs be made at specific glass companies or locations.
482, am 755-756, psd 786, H nonconc, conf 876, rep adop 999-1000, 1060, enr 1066 (Chapter 320)
- HB 1313-FN**, requiring the department of safety to issue an automotive recycling dealer with as many sets of number plates or as many as such person may require. (Transportation)

New title: requiring the department of safety to issue an automotive recycling dealer as many sets of number plates as such person may require.
301, psd 586-587, 615, enr am 947, enr 1067 (Chapter 350)

HB 1318, relative to reporting requirements for elected officials. (Public Affairs)
426, psd 686, 715, enr 969 (Chapter 225)

HB 1319-FN-A-LOCAL, requiring the state to fully fund the Augenblick formula by FY 1996. (Finance Executive)
514, psd (2 RC's) 619-644, recon rej 651, psd 652, enr 784, H sustained veto 1113, remarks 1114

HB 1320-FN, regulating commerce pertaining to consumer transactions involving credit reporting agencies. (Banks)
482, am 663-666, psd 715, H conc 926, enr 1021 (Chapter 271)

HB 1321-FN, relative to liquor licenses for full service restaurants. (Ways and Means)
220, am 588, psd 615, H nonconc, conf 734-735, rep adop 1000, 1060, enr 1066 (Chapter 321)

HB 1323-FN, requiring certificates for persons providing vocational rehabilitation services under the workers' compensation law and relative to fees for such certificates. (Insurance)
301, psd 526, 566, enr am 797-798, enr 1021 (Chapter 272)

HB 1325-FN, requiring the publication of an AIDS/HIV handbook. (Public Institutions, Health and Human Services)
482, psd (RC) 704-706, 716, enr 784, H sustained veto 1114

HB 1327-FN, establishing a study committee to recommend legislation allocating responsibility over all aspects of freshwater and saltwater aquaculture between the department of agriculture and the department of fish and game. (Wildlife and Recreation)
482, am 696-697, psd 716, H nonconc, conf 875, rep adop 1000-1001, 1060, enr 1066 (Chapter 322)

HB 1329-LOCAL, clarifying the definition of public employee for purposes of workers' compensation. (Insurance)
482, am 756-760, psd 786, H nonconc, conf 939, rep adop 1001, 1061, enr 1065 (Chapter 351)

HB 1335-FN, making the attorney general responsible for payment of witness fees in criminal cases and eliminating certain obsolete provisions regarding witness fees. (Judiciary)
220, psd 487-488, 510, enr am 798, enr 1022 (Chapter 273)

HB 1336, relative to services which certain liquor licensees may perform with regard to beverage stocking and displays. (Ways and Means)
301, psd 460, 479, enr 511 (Chapter 6)

HB 1337, relative to designating a managing broker in a real estate branch office in the event of a vacancy. (Executive Departments and Administration)
482, psd 524, 566, enr 571 (Chapter 40)

HB 1339, relative to bank boards of directors or trustees. (Banks)
482, psd 572, 615, enr 784 (Chapter 145)

HB 1341, requiring delivery of non-subscription publications to cease 14 days after written notification by the recipient. (Public Affairs)
482, K 686

HB 1343, establishing a study committee to examine the development of interactive communication systems among the public schools in the state. (Education)
New title: establishing a study committee to examine the development of interactive communication systems among the public schools in the state, and establishing a committee to study the problem of suicide among young people.
426, am 668-670, psd 716, H nonconc, conf 939-940, rep adop 1001-1002, 1061, enr 1065 (Chapter 352)

HB 1345, relative to payments to the state treasurer. (Executive Departments and Administration)
220, psd 524, 566, enr 617 (Chapter 74)

HB 1349, relative to representation of business organizations in small claims court. (Judiciary)
426, psd 685, 716, enr 967 (Chapter 195)

HB 1356-FN, relative to the duties of the members and the director of the state veterans council. (Executive Departments and Administration)
426, psd 525, 566, enr 571 (Chapter 41)

- HB 1364**, changing the renewal date for a license to carry a pistol or revolver. (Judiciary)
221, psd 530, 566, enr 653 (Chapter 115)
- HB 1365**, clarifying legislative intent relative to municipal ordinances. (Executive Departments and Administration)
482, K 677-678
- HB 1367**, creating an advisory committee to the statewide mass transportation and air quality projects planning study being conducted by the department of transportation. (Environment)
482, psd 521, 566, enr 618 (Chapter 75)
- HB 1368**, establishing a commission to examine governmental reorganization. (Executive Departments and Administration)
482, LT 590-591, am 612-613, psd 615, recon notice 618, recon & am 782, psd 786, H conc 926, enr 969 (Chapter 245)
- HB 1369**, requesting the judicial council to study issues regarding faxed documents. (Judiciary)
426, psd 530, 566, enr 618 (Chapter 59)
- HB 1370**, allowing certain inclusions in a public utility's rate base. (Executive Departments and Administration)
426, Study 678
- HB 1371**, relative to claiming the homestead right in a levy by sale of an execution on real estate. (Public affairs)
221, psd 494-495, 510, enr 512 (Chapter 12)
- HB 1372**, establishing the granite state cultural legacy award. (Public Affairs)
482, am 761-762, psd 786, H conc 965, enr 1022 (Chapter 274)
- HB 1377**, requiring an optometrist or ophthalmologist to release prescriptions for replacement contact lenses, and setting certain fees for certain out-of-state business registration and renewal. (Public Institutions, Health and Human Services)
482, psd 644, 652, enr 783 (Chapter 146)
- HB 1378**, allowing nonprofit agencies and individuals serving disabled persons to apply for walking disability placards. (Public Institutions, Health and Human Services)
482, LT 706-708, am 919-922, psd 930, H nonconc 965
- HB 1379**, establishing a committee to implement the recommendations of the 1991-1992 task force on government operations and the Winter Commission Report. (Economic Development)
482, am 666-667, psd 716, H conc 926, enr 1022 (Chapter 275)
- HB 1380-LOCAL**, prohibiting municipalities from taxing as real estate antennas, towers and related or supporting structures used exclusively in the operation of amateur radio communications stations. (Ways and Means)
301, psd 507, 510, enr 511 (Chapter 21)
- HB 1382**, creating a special committee to study the turnpike toll collection system and make recommendations and making an appropriation for the study from the turnpike fund. (Ways and Means)
483, Finance 540, psd 836, 930, enr am 1081, enr 1089 (Chapter 374)
- HB 1383-LOCAL**, relative to the disclosure of the financial status of towns and school and village districts and providing a method for deficit reduction. (Public Affairs)
221, psd 686, 716, enr 783 (Chapter 147)
- HB 1390**, establishing a committee to study issues related to the New Hampshire/Vermont solid waste district created under RSA 53-D. (Interstate Cooperation)
426, Finance 760, am 907, psd 930, H nonconc, conf 948, rep adop 1002-1003, 1061, enr 1066 (Chapter 323)
- HB 1391**, relative to consumer protection and going out of business sales. (Banks)
483, psd 739, 786, enr 970 (Chapter 226)
- HB 1392**, making a second or subsequent obscenity violation a class B felony and modifying a definition of sexual conduct. (Judiciary)
221, psd 530-531, 566, enr 653 (Chapter 60)
- HB 1394**, reducing the mandatory minimum sentence for a habitual offender convicted of unlawfully operating a motor vehicle. (Judiciary)
483, psd (RC) 542-550, 566, recon notice 576, enr 783, H sustained veto 1114
- HB 1396**, limiting the use of information compiled by consumer reporting agencies. (Banks)
483, K 666

- HB 1397**, relative to a limitation on telephone company release of telephone call records. (Executive Departments and Administration)
427, K 575
- HB 1398**, establishing a committee to study the possibility of linking the New Hampshire port authority with the Pease International Trade Center by rail or pipeline. (Economic Development)
483, am 667, psd 716, H conc 927, enr 968 (Chapter 196)
- HB 1399**, relative to the road toll on users of special fuel. (Transportation)
221, psd 507, 510, enr 511 (Chapter 22)
- HB 1400**, relative to providing pain relieving medication to individuals who are terminally ill. (Public Institutions, Health and Human Services)
427, Study 585
- HB 1403**, requiring the department of fish and game to suspend a fish and game license agent's authority to issue licenses for one year upon failing to require necessary proof for the issuance of a license and making such person guilty of a class B misdemeanor. (Wildlife and Recreation)
483, psd 780, 786, enr 969 (Chapter 227)
- HB 1405**, relative to voting and party membership. (Public Affairs)
New title: relative to voting and party membership, special write-in ballots for overseas and armed services voters, change of party affiliation, nomination by write-in votes, and the checklist used at village district elections.
427, am 578-580, psd 615, H conc 927, enr 969 (Chapter 218)
- HB 1409**, authorizing the public utilities commission to adopt rules relative to voluntary construction standards for compliance with increased energy efficiency standards. (Executive Departments and Administration)
427, K 678
- HB 1410**, relative to zoning board of adjustment rehearings. (Public Affairs)
427, psd 532, 566, enr 653 (Chapter 116)
- HB 1411-LOCAL**, enabling municipalities to establish geographic information systems and charge fees for their use. (Public Affairs)
New title: enabling municipalities and counties to establish geographic information systems and charge fees for their use.
301, am 532-533, psd 566, H conc 569, enr 618 (Chapter 76)
- HB 1412**, prohibiting any person who is receiving, or whose spouse is receiving, retirement system benefits from serving as a member of the New Hampshire retirement system board of trustees. (Insurance)
483, K 527
- HB 1413**, relative to the report of the public water rights study committee. (Environment)
221, psd 521-522, 566, enr 653 (Chapter 77)
- HB 1415-LOCAL**, relative to approval of the goals and future conditions section of the master plan by the local legislative body. (Public Affairs)
301, am 580-581, psd 615, H nonconc, conf 790-791, K 1016
- HB 1416**, relative to liens on manufactured housing. (Banks)
483, psd 666, 716, enr 783 (Chapter 149)
- HB 1419-FN-LOCAL**, relative to calculation of fees for motor vehicle registration permits. (Transportation)
483, psd 538, 566, enr 571 (Chapter 42)
- HB 1420**, relative to the sale of defective vehicles. (Transportation)
New title: relative to the sale of defective vehicles and vehicle leases which are not sales or security interests.
483, am 695-696, psd 716, H nonconc, conf 829, rep adop 1003, 1061, enr am 1082, enr 1089 (Chapter 395)
- HB 1422-FN-LOCAL**, relative to the dog control laws and the portion of the dog license fee retained by municipalities. (Wildlife and Recreation)
New title: relative to the dog control laws and the portion of the dog license fee retained by town and city clerks.
301, am 778-780, psd 786, H conc 965, enr 1067 (Chapter 353)
- HB 1426**, relative to the placement of candidates' names on the ballot. (Public Affairs)
427, am 686-688, psd 716, H conc 927, enr am 1029-1030, enr 1067 (Chapter 324)

- HB 1428**, requiring legislative approval for the naming of state-owned buildings and of certain formations, and relative to the naming of Northwood Pioneer State Park. (Economic Development)
483, am 667-668, psd 716, H nonconc, conf req rej 933
- HB 1429-LOCAL**, exempting municipal recreation programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies. (Public Institutions, Health and Human Services)
First new title: temporarily exempting certain programs from day care licensing requirements and establishing a committee to study future directions for New Hampshire child care licensing policies.
Second new title: exempting municipal recreation programs from child day care licensing regulation.
483, am 803-804, psd 830, H nonconc, conf 954, rep adop 1003-1004, 1061, enr am 1082, enr 1089 (Chapter 375)
- HB 1430**, repealing the annual commemorative rifle or shotgun lottery. (Wildlife and Recreation)
221, psd 508, 510, enr 511 (Chapter 36)
- HB 1432**, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. (Judiciary)
302, K (6 RC's) 595-612, recon rej 614
- HB 1433**, establishing a committee to review and make recommendations regarding health education in public schools. (Education)
483, am 670, psd 716, H conc 927, enr 1022 (Chapter 276)
- HB 1435**, relative to the penalty for a second or subsequent offense for carrying a pistol or revolver without a license. (Judiciary)
427, K 578
- HB 1436**, exempting vessels in the federal channel from reduced speed requirements. (Transportation)
483, psd 587, 615, enr 653 (Chapter 78)
- HB 1438**, adopting the striped bass as the state saltwater game fish. (Wildlife and Recreation)
221, K 508, recon notice 516, recon, LT, & psd 558-560, psd 566, enr 617 (Chapter 79)
- HB 1439**, establishing license and license fee requirements for the taking of sea urchins. (Wildlife and Recreation)
483, psd 647, 652, enr 868 (Chapter 150)
- HB 1440-FN**, permitting the aquaculture of oysters, relative to waterfowl stamps, and establishing a special account within the fish and game fund. (Wildlife and Recreation)
483, am 697, psd 716, H conc 731, enr 868 (Chapter 151)
- HB 1442-FN-A**, relative to a real estate transfer questionnaire. (Executive Departments and Administration)
New title: relative to a real estate transfer questionnaire and relative to the applicability of the real estate transfer tax.
483, am & Finance 678, am 848-849, psd 930, H nonconc, conf 948-949, rep adop 1004, 1058, enr 1066 (Chapter 325)
- HB 1443-LOCAL**, relative to town meetings and public hearings in large towns. (Public Affairs)
483, am 688-690, psd 716, H conc 732, enr 968 (Chapter 197)
- HB 1447-FN**, making communications of advanced registered nurse practitioners privileged and extending certain duties to ARNPs. (Public Institutions, Health and Human Services)
First new title: making communications of advanced registered nurse practitioners privileged, extending certain duties to ARNPs and establishing a study committee.
Second new title: making communications of advanced registered nurse practitioners privileged, extending certain duties to ARNPs, relative to temporary licensure for certain registered nurse graduates, and establishing a study committee.
302, am 535-537, psd 566, H nonconc, conf 795, rep adop 1004-1005, 1058, enr am 1082, enr 1089 (Chapter 376)
- HB 1448-FN**, requiring that certain documents and publications be included in the state depository law. (Executive Departments and Administration)
302, Study 678
- HB 1449**, relative to professional standards review organizations for physical therapists. (Public Institutions, Health and Human Services)
302, psd 502, 510, enr 512 (Chapter 13)

- HB 1450-LOCAL**, permitting municipalities to expand the information contained on property tax bills and to include other bills and mailings with property tax bills. (Public Affairs)
New title: permitting municipalities to expand the information contained on property tax bills and to include other bills and tax abatement information mailings with property tax bills.
 221, am 582-583, psd 615, H nonconc, conf 934-935, rep adop 1005-1006, 1058, enr am 1082-1083, enr 1089 (Chapter 377)
- HB 1453**, allowing certified clinical social workers to obtain third party payments for services rendered which would otherwise qualify for such payments. (Insurance)
 483, psd 577, 615, enr 653 (Chapter 96)
- HB 1454**, relative to competitive bidding, and budget, personnel and purchasing procedures in Rockingham county. (Executive Departments and Administration)
 484, LT 698, K 928
- HB 1455**, making technical amendments to the business corporations laws and clarifying the limitation of liability of officers. (Judiciary)
 302, am 531, psd 566, H conc 656, enr 714 (Chapter 117)
- HB 1456**, relative to mental health care service providers. (Public Institutions, Health and Human Services)
 484, rcmt 585, LT 804, am 923-926, psd 930, H nonconc, conf 949, rep adop 1006-1007, 1059, enr am 1083, enr 1089, H sustained veto 1114
- HB 1458-FN-LOCAL**, to provide incentive through school building aid for establishing and maintaining public kindergarten programs. (Education)
New title: to provide incentive through school building aid for establishing and maintaining public kindergarten programs, and establishing a committee to review the maximization of revenues from programs administered by the New Hampshire sweepstakes commission.
 484, am & Finance 739-741, psd 836-837, 930, H conc 965, enr 1022 (Chapter 277)
- HB 1461**, establishing a committee to study the issue of health care provider cooperative agreements in New Hampshire. (Public Institutions, Health and Human Services)
 484, am 805-811, psd 830, H nonconc 965
- HB 1462-LOCAL**, relative to the approval by the division of water supply and pollution control of plans for sewage disposal systems. (Environment)
 427, psd 803, 830, enr 968 (Chapter 198)
- HB 1463**, modifying the definition of angling. (Wildlife and Recreation)
 221, psd 541, 566, enr 571 (Chapter 43)
- HB 1466**, including advanced registered nurse practitioners in insurance policies for certain conditions. (Insurance)
 484, psd 577, 615, enr am 1083-1086, enr 1089 (Chapter 396)
- HB 1468**, allowing builders to use native lumber when the lumber is certified or stamped by a New Hampshire wood processing mill. (Public Affairs)
 484, psd 581, 615, enr 784 (Chapter 152)
- HB 1469-LOCAL**, relative to the definition of "impact fee" for the purpose of innovative land use controls. (Economic Development)
 484, am & LT 800-802, psd 908-909, 930, H conc 966, enr 1020 (Chapter 278)
- HB 1472-FN**, making an appropriation to the fund for domestic violence programs. (Finance Executive)
 427, psd 837-838, 931, enr 1022 (Chapter 279)
- HB 1474-LOCAL**, allowing towns to maintain emergency lanes on class VI highways and private ways. (Transportation)
 302, psd 538-539, 567, enr 618 (Chapter 80)
- HB 1476-LOCAL**, relative to certain definitions under the environmental laws, municipal liability and the tax sale and lien process, and the liability of owners of hazardous waste facilities. (Environment)
 427, psd 619, 652, enr 968 (Chapter 199)
- HB 1477**, changing the judicial district for Thompson and Meserve's Purchase. (Judiciary)
 427, psd 531, 567, enr 571 (Chapter 44)
- HB 1483**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Public Institutions, Health and Human Services)
 221, K (RC) 708-711

- HB 1484-LOCAL**, relative to the tax exempt status of certain properties. (Ways and Means)
First new title: relative to the tax-exempt status of certain properties and adding members to the study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax exempt properties.
Second new title: relative to the tax-exempt status of certain properties and changing the membership of a study committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax exempt properties.
484, am 864-868, psd 931, H nonconc, conf 959, rep adop 1008-1009, 1059, enr am 1086, enr 1089 (Chapter 378)
- HB 1493-FN-A**, relative to tax refunds from the department of revenue administration. (Ways and Means)
484, am 588-589, psd 615, H nonconc, conf 735, rep adop 1009, 1059, enr 1065 (Chapter 326)
- HB 1495-FN**, relative to taxes paid on simulcast racing. (Ways and Means)
New title: relative to the definition of “racing program” for the purposes of assessing taxes on simulcast races and establishing a committee to study the pari-mutuel tax structure in New Hampshire.
484, am 855-856, psd 931, H conc 966, enr 971 (Chapter 253)
- HB 1496-FN-LOCAL**, requiring towns, whenever a hazardous or potentially hazardous waste spill occurs, to notify the department of environmental services and certain downstream communities. (Environment)
484, LT 742-743, am 922-923, psd 931, H nonconc, conf 953, rep adop 1009-1010, 1059 (K)
- HB 1498-FN-LOCAL**, relative to the type of voting machines which may be used in municipalities. (Public Affairs)
427, psd 582, 615, enr 653 (Chapter 118)
- HB 1500-FN**, defining “out-of-state pharmacy” and requiring the registration of such pharmacies that sell to individuals within the state. (Executive Departments and Administration)
484, rcmt 575, Study 678
- HB 1502-FN**, removing certain reporting requirements for persons who wish to sell venison. (Wildlife and Recreation)
302, psd 697, 716, enr 868 (Chapter 153)
- HB 1506-FN-LOCAL**, relative to the National Voter Registration Act of 1993 and establishing a committee to study voter registration by mail. (Public Affairs)
221, am & LT (RC) 495-501, psd 563, 567, H conc 569, enr 784 (Chapter 154)
- HB 1507-FN**, relative to licensing tattoo parlors and practitioners of tattooing and the fees for such licensure and making an appropriation for the purposes of the act. (Executive Departments and Administration)
484, Finance 576, psd 838, 931, enr 1021 (Chapter 280)
- HB 1509**, exempting persons participating in an American Water Ski Association event from the wearing of certain personal flotation devices. (Wildlife and Recreation)
484, psd 647-648, 652, enr 967 (Chapter 200)
- HB 1510-FN**, relative to the availability of on-site foreign currency exchange. (Banks)
427, K 739
- HB 1512-FN**, requiring the pesticide control board to receive and address requests from the public for hearings before the board and establishing a citizens advisory committee. (Environment)
484, am 743-744, psd 786, H nonconc, conf 940-941, rep adop 1010, 1059, enr 1066 (Chapter 327)
- HB 1515-FN**, relative to the emissions reduction credits trading program. (Environment)
302, am & Finance 745-755, psd 838, 931, H conc 966, enr am 1086, enr 1089 (Chapter 397)
- HB 1516-FN-A**, transferring duties and powers with respect to the law library from the state library to the supreme court, and transferring a judicial branch position in the law library to the state library and making an appropriation therefor. (Finance Executive)
221, psd 441, 479, enr 511 (Chapter 7)
- HB 1518-A**, requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from turnpike system revenue bonds. (Transportation)

New title: requiring the department of transportation to redesign and reconstruct a portion of exit 6 on the Spaulding turnpike from funds previously appropriated.
484, am & Finance 646-647, psd 842, 931, H conc 966, enr 1021 (Chapter 281)

HB 1519, limiting any pecuniary benefit received by directors and officers of charitable trusts. (Judiciary)
302, psd 685, 716, enr 969 (Chapter 228)

HB 1523-FN-A, establishing a state veterans' cemetery and making an appropriation therefor. (Public Affairs)
484, Finance 688, psd 838, 931, enr 1020 (Chapter 282)

HB 1524-FN, relative to the executive reorganization of the department of education. (Education)
302, am 572-573, psd 615, H conc 732, enr am 1087, enr 1089 (Chapter 379)

HB 1525, relative to communications that constitute harassment. (Judiciary)
484, am 685-686, psd 716, H nonconc, conf 812-813, rep adop 1010-1011, 1059, enr 1066 (Chapter 354)

HB 1528-FN-LOCAL, establishing a safe school zone and relative to school violence. (Judiciary)
485, am (2 RC's) 882-901, psd 931, H nonconc, conf 947-948, rep adop 1011-1012, 1059, enr 1066 (Chapter 355)

HB 1529-FN, relative to the apportionment, priority of and limitations on bridge betterment funds. (Transportation)
221, psd 507, 510, enr am 713, enr 784 (Chapter 155)

HB 1532-FN-LOCAL, requiring the division of public health services to establish a needle exchange program and making an appropriation therefor. (Public Institutions, Health and Human Services)
485, K (RC) 711-712

HB 1533, relative to the composition of the pesticide control board. (Executive Departments and Administration)
First new title: relative to the composition of the pesticide control board and relative to the definition of abutter for the purposes of rules adopted by the board.
Second new title: relative to the composition of the pesticide control board.
485, am 717-718, psd 730, H nonconc, conf 941-942, rep adop 1012, 1059, enr am 1087, enr 1089 (Chapter 380)

HB 1534-FN-LOCAL, establishing a task force to recommend a framework for ongoing solid waste planning in New Hampshire and extending the reporting deadlines of the solid waste laws recodification committee. (Environment)
485, am 522, psd 567, H conc 927, enr 972 (Chapter 254)

HB 1535-FN-LOCAL, exempting certain vessels from the state vessel registration fee and the boat fee. (Wildlife and Recreation)
485, am 697-698, psd 716, H nonconc, conf 943-944, rep adop 1012, 1059 (K)

HB 1536-FN, authorizing the court to issue emergency temporary orders telephonically. (Judiciary)
302, Finance 532, psd 849, 931, enr 971 (Chapter 255)

HB 1539-FN, establishing a statewide intermodal transportation planning and improvement program. (Transportation)
485, Finance 696, psd 849, 931, enr 1021 (Chapter 283)

HB 1543-FN-A, relative to interest from youth development center resident trust accounts, allowing the administrator to establish other accounts, and changing the title of the "bureau of secure care" to the "bureau of residential services." (Public Institutions, Health and Human Services)
221, psd 537, 567, enr 653 (Chapter 81)

HB 1545, relative to disclosure regarding contests and gift giveaways. (Judiciary)
485, psd 686, 716, enr 969 (Chapter 229)

HB 1548-FN, relative to medical and surgical benefits for state employees and establishing a committee to study eligibility requirements for receiving state medical and surgical benefits. (Finance Executive)
485, K 849

HB 1550, establishing a joint committee to examine the best way to ensure an efficient system of criminal prosecution at the district and superior court level. (Judiciary)
427, psd 550, recon & K 560-563, remarks 563, recon withd 574, remarks (am to HB 161)
857-860

- HB 1551-FN-A**, to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases, and relative to the appropriation to the division of forests and lands forest protection bureau for fire control. (Finance Executive Departments and Administration)
New title: to reimburse the city of Franklin and Merrimack county for their 1993 employer's contribution to the New Hampshire retirement system in contested employment cases; relative to the appropriation to the division of forests and lands forest protection bureau for fire control; and relative to the appropriation to the department of safety to fund the driver training program.
485, am 838-839, psd 931, H nonconc, conf 957, rep adop 1013, 1059, enr 1066 (Chapter 328)
- HB 1552-FN-LOCAL**, relative to the certification of employer contributions by the retirement system board of trustees. (Insurance)
427, psd 527, 567, enr 714 (Chapter 119)
- HB 1553-A**, making a capital appropriation to the supreme court for the design of an administrative office building. (Capital Budget)
485, LT 542, psd 828-829, 830, enr 969 (Chapter 230)
- HB 1556-FN-LOCAL**, establishing the position of fiscal officer for Rockingham county (Executive Departments and Administration)
302, LT 576, K 928
- HB 1559**, relative to smoking in indoor public places. (Public Institutions, Health and Human Services)
485, K 712-713
- HB 1566-FN**, relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in places which are organized and which are not organized for voting, and relative to the declaration of intent form which must be filed by candidates. (Public Affairs)
New title: relative to the duties of the secretary of state, including accounting for certain fees, relative to voting in organized places which are not organized for voting relative to the declaration of intent form, relative to filing for a special election primary relative to the party designation on ballots, relative to the board of claims, and relative to the appropriation to the board of auctioneers to fund continuing education.
427, am & Finance 583, am 849-851, psd 931, H conc 966, enr am 1087, enr 1089-1090 (Chapter 381)
- HB 1568-FN-LOCAL**, requiring the division of public health services to take certain actions relative to indoor air quality in public facilities and establishing a committee to study indoor air pollution. (Environment)
302, psd 522, 567, enr am 798, enr 1021 (Chapter 284)
- HB 1569-FN**, relative to administrative review of suspended or revoked motor vehicle licenses. (Transportation)
485, LT 727-729, am & Study 915
- HB 1571-A**, appropriating funds for the design and renovation of the Brown building and making a capital appropriation for the design and construction of the Plymouth district courthouse. (Capital Budget)
New title: appropriating funds for the design and renovation of the Brown building, making a capital appropriation for the construction and furnishing of the Plymouth district courthouse, and relative to the capital appropriation for the fire standards and training dormitory.
485, am 842-843, psd 931, H nonconc, conf 956, rep adop 1013-1014, 1059, enr am 1087-1088, enr 1090 (Chapter 382)
- HB 1572-FN**, relative to the public employee labor relations board and filing fees and making an appropriation therefor. (Public Affairs)
New title: relative to indexing public employee labor relations board decisions and filing fees and making an appropriation therefor.
485, am & Finance 762-763, am 908, psd 931, H nonconc, conf 960, rep adop 1014, 1059, enr 1065 (Chapter 356)
- HB 1573**, relative to the confidentiality of proceedings for guardianship of a minor. (Judiciary)
302, psd 578, 616, enr 653 (Chapter 61)
- HB 1574**, extending the reporting deadline for certain study committees. (Executive Departments and Administration)
485, psd 576, 616, enr 784 (Chapter 156)

- HB 1577**, to legalize, ratify, and confirm the municipal action taken by the town of Lisbon in issuing a \$736,000 general obligation bond in connection with the construction of a sewer and water disposal facility in the town of Lisbon.
rules suspended, intro, psd, & enr 32-33 (Chapter 1)
- HB 1578**, relative to the jurisdiction, membership, duties, and complaint procedures of the legislative ethics committee. (Executive Departments and Administration)
427, am 576-577, psd 616, H nonconc, conf 735-736, rep adop 1014-1015, 1059, enr 1067 (Chapter 329)
- HB 1579-FN-A-LOCAL**, relative to safety and managed care under the workers' compensation law and making an appropriation therefor.
60-61, rules suspended & psd 61, enr 115 (Chapter 3)
- HB 1580-FN-A**, increasing the funds appropriated to finance the gubernatorial transition. (Finance Executive)
New title: increasing the funds appropriated to finance the gubernatorial transition and relative to the duties of the bank commissioner.
427, am 839-841, psd 931, H nonconc, conf 955, rep adop 1015, 1059, enr 1065 (Chapter 330)
- HB 1581**, establishing a committee to study the University of New Hampshire cooperative extension, and changing the name of the extension service to "University of New Hampshire cooperative extension." (Education)
New title: establishing a committee to study the University of New Hampshire cooperative extension.
427, am 573, psd 616, H conc 656, enr 784 (Chapter 157)
- HB 1582-FN**, relative to state house health services. (Public Institutions, Health and Human Services)
485, psd 537, 567, enr 617 (Chapter 82)
- HB 1585-FN**, consolidating administration of the bureau of risk management and the workers' compensation commission; relative to managed care benefits for state employees awarded workers' compensation benefits; relative to the board of claims, and abolishing the board of approval for state employee bonds. (Insurance)
485, psd 577, 616, enr 783 (Chapter 158)
- HB 1586-FN-LOCAL**, regarding victim and law enforcement access to certain confidential information regarding a juvenile offender. (Judiciary)
619, am 826-828, psd 830, H conc 966, enr 1067 (Chapter 357)
- HB 1588-FN-LOCAL**, altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum. (Economic Development)
619, psd 741, 786, enr 968 (Chapter 201)

HOUSE JOINT RESOLUTIONS

- HJR 20**, urging the Federal Highway Administration to include certain segments of U.S. Route 2 in the new "National Highway System." (Transportation)
New title: urging the U.S. Congress to include certain segments of U.S. Route 2 in the new "National Highway System."
428, am 587, psd 616, H conc 656, enr 784 (Chapter 159)
- HJR 21**, urging the President and Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States. (Public Affairs)
486, psd 584, 616, enr 653 (Chapter 83)
- HJR 22**, urging Congress to pass the Federal Mandates Relief Act of 1993. (Executive Departments and Administration)
486, psd 525, 567, enr 618 (Chapter 84)

HOUSE CONCURRENT RESOLUTIONS

- HCR 20**, providing that long-term care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives. (Public Institutions, Health and Human Services)
221, adop 502, 510
- HCR 22**, urging Congress to limit campaign spending and to keep unalterable records of its proceedings. (Public Affairs)
428, adop 690, 716

- HCR 25**, in support of the free transfer of the former Pease Air Force Base. (Economic Development)
485, adop 817, 830
- HCR 27**, encouraging federal legislation to recognize atomic veterans. (Public Affairs)
302, adop 501, 510
- HCR 29**, clarifying legislative intent on issues of local school board control. (Education)
428, adop 520, 567
- HCR 30**, urging the state board of education to encourage local school districts to foster curriculum which would examine multicultural and ethnic issues while emphasizing and promoting tolerance, understanding, and respect. (Education)
486, adop 589-590, 616
- HCR 31**, urging that the northern forest of New Hampshire continue to be used to provide jobs for timber industry, recreation, and tourism. (Environment)
486, adop 522, 567
- HCR 32**, memorializing former President Richard M. Nixon.
remarks 651, intro & adop 655

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTIONS

- CACR 36**, relating to powers of state courts. Providing that courts have no inherent powers and have only those powers specifically granted in the New Hampshire constitution and New Hampshire laws, and all rules of the court shall be subject to legislative approval. (Wheeler, Dist 11; Rep. Hemon, Str 11: Judiciary)
32, K 96
- CACR 37**, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. (Colantuono, Dist 14 et al: Finance Executive Committee)
32, K (RC) 167-172
- CACR 38**, relating to term limits for federal and state representatives. Providing that the terms of office for the members of the United States Congress from New Hampshire and for the members of the New Hampshire house and senate shall be limited to 12 years. (J. King, Dist 18 et al: Public Affairs)
New title: relating to term limits for certain federal and state offices. Providing that the terms of office for the members of the United States Congress from New Hampshire shall be limited to 12 years, and for the members of the New Hampshire house and senate shall be limited to 10 years.
32, am & LT 99-101, psd (RC) 140-144, 158-159, H rej intro 428

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1	HB 1577	48	SB 587	95	HB 1211
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4	HB 514	51	SB 569	98	HB 1189
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26	SB 533	73	HB 1270	120	SB 526
27	SB 553	74	HB 1345	121	SB 647
28	SB 642	75	HB 1367	122	HB 1050
29	SB 656	76	HB 1411	123	SB 734
30	SB 660	77	HB 1413	124	HB 210
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32	SB 785	79	HB 1438	126	HB 599
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36	HB 1430	83	HJR 21	130	HB 1109
37	SB 722	84	HJR 22	131	HB 1111
38	HB 610	85	SB 528	132	HB 1115
39	HB 1151	86	SB 535	133	HB 1116
40	HB 1337	87	SB 537	134	HB 1165
41	HB 1356	88	SB 563	135	HB 1173
42	HB 1419	89	SB 565	136	HB 1207
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44	HB 1477	91	SB 620	138	HB 1233
45	SB 214	92	SB 801	139	HB 1236
46	SB 544	93	SJR 1	140	HB 1242
47	SB 561	94	HB 1114	141	HB 1248

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144	HB 1293	197	HB 1443	250	HB 1203
145	HB 1339	198	HB 1462	251	HB 1213
146	HB 1377	199	HB 1476	252	HB 1214
147	HB 1383	200	HB 1509	253	HB 1495
148	SB 803	201	HB 1588	254	HB 1534
149	HB 1416	202	SB 503	255	HB 1536
150	HB 1439	203	SB 520	256	SB 552
151	HB 1440	204	SB 536	257	SB 562
152	HB 1468	205	SB 547	258	SB 653
153	HB 1502	206	SB 558	259	SB 673
154	HB 1506	207	SB 572	260	SB 677
155	HB 1529	208	SB 576	261	SB 719
156	HB 1574	209	SB 613	262	SB 733
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163	SB 534	216	HB 404	269	HB 1290
164	SB 539	217	HB 1143	270	HB 1300
165	SB 549	218	HB 1405	271	HB 1320
166	SB 555	219	HB 1108	272	HB 1323
167	SB 564	220	HB 1117	273	HB 1335
168	SB 573	221	HB 1133	274	HB 1372
169	SB 579	222	HB 1183	275	HB 1379
170	SB 597	223	HB 1212	276	HB 1433
171	SB 598	224	HB 1232	277	HB 1458
172	SB 606	225	HB 1318	278	HB 1469
173	SB 622	226	HB 1391	279	HB 1472
174	SB 628	227	HB 1403	280	HB 1507
175	SB 652	228	HB 1519	281	HB 1518
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177	SB 695	230	HB 1553	283	HB 1539
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185	HB 1106	238	SB 612	291	SB 605
186	HB 1107	239	SB 637	292	SB 674
187	HB 1134	240	SB 658	293	SB 697
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304	SB 517	343	HB 660	382	HB 1571
305	HB 161	344	HB 1010	383	SB 225
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307	HB 317	346	HB 1180	385	SB 638
308	HB 414	347	HB 1209	386	SB 650
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310	HB 656	349	HB 1260	388	SB 670
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322	HB 1327	361	SB 667	400	SB 580
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